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ABSTRACT

This guide is intended to help teachers use "The Advocates In Brief," a television series of 20 public affairs debates. The award-winning series, "The Advocates," previously broadcast on the Public Broadcasting Service, was condensed into a series of 20, thirty-minute debates for use in junior high, high school, junior college, and continuing education classes. The purpose of the series is to promote the democratic process of open and rational discourse to help citizens determine priorities and make reasoned decisions. Each debate is applicable to social studies, current affairs, civics, and media curricula. Debate coaches and teachers of business, language arts, and study skills will also find the program valuable. The topics of the debates are many and varied and include: runaways, the CIA, journalists' sources, competency testing, OPEC, nuclear power, legalizing marijuana, seabed mining, kids' TV, trucking deregulation, South Africa, a balanced budget, national service, death sentences, Puerto Rico, federal medical care, preferential treatment, veterans' preference, Palestinian self-determination, and public broadcasting funds. For each of the 20 debates the guides include an introduction to the debators, identifies their area of expertise, and gives a summary of each debate. The guide provides teachers with charts, cartoons, and other graphic material to expand students' familiarity with the subject and specific activities to stimulate classroom participation.
(Author/RM)

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The Advocates

DEC 7 1979

In Brief

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Dear Educator

This Guide for Teachers is your introduction to ***The Advocates In Brief,*** a new series of twenty public affairs debates. Each is a uniquely condensed program from the award-winning series, ***The Advocates,*** previously broadcast on the Public Broadcasting Service. The revised thirty-minute format will allow many teachers to use the debates in their classrooms for the first time.

The Advocates In Brief is designed for use in junior high, high school, junior college, and continuing education classes. Michael Dukakis, moderator in past seasons of ***The Advocates,*** acts as a guide through the debates, providing explanation and commentary to increase students' understanding.

The Advocates In Brief promotes the democratic process of open and rational discourse to help citizens determine priorities and make reasoned decisions. The programs present topics of national concern in the dynamic format of a composite trial-debate. The different points of view on controversial issues are divided into two debatable positions. Advocates present their witnesses and cross-examine their opponents' witnesses in an exchange of information, experience, and wits. These edited versions preserve all of the energy of the original debates while providing teachers with programs of suitable length for maximum classroom use.

The Advocates In Brief will begin its broadcasts on the PBS instructional daytime schedule at 10:30 AM Thursday, January 10, 1980, and continue until May 22. The programs will also be broadcast concurrently on National Public Radio (See Program Information, page 92 for details.)

This Guide for Teachers accompanies the series as a resource to help educators define issues, apply background information, and clarify the pro and con arguments. Each individual program guide includes an introduction to the debaters, identifies their area of expertise, and gives a summary of each debate, focusing on the actual exchanges between advocates and witnesses. The guides provide teachers with charts, cartoons, and other graphic material to expand students' familiarity with the subject, as well as specific activities to stimulate classroom participation and further investigation of the issues.

Our aim is to provide a flexible Guide which gives a perspective on the debates to teachers of many disciplines. The next few pages offer ideas and suggestions for incorporating specific programs into a variety of curricula. You are encouraged to choose and revise the material for your classes.

We are interested in your ideas and experiences in using ***The Advocates In Brief.*** This information will help us develop the materials you need to provide your students with an entertaining and enriching viewing or listening experience. Please send any comments or suggestions you may have to Lynne Auker, Project Director, Office of Radio Television for Learning, 125 Western Avenue, Boston, MA 02134.

Subject Key

Teachers will find many ways to use *The Advocates In Brief.* Each debate is applicable to social studies, current affairs, civics, and media curricula. Debate coaches and teachers of business, language arts, and study skills will also find the programs valuable. To help teachers schedule their classes, the following key suggests appropriate programs for use in certain courses. It also includes a brief list of the concepts addressed in each program to aid teachers in planning interdisciplinary study.

Program	Social Studies	Related Courses	Concepts
Should we end the courts' authority over truants, runaways, and incorrigible children?	Law and Justice Political Science Psychology Sociology U.S. History	Criminology	Beneficence Criminal intent Rehabilitation Social Control Status offender
Should our foreign policy include covert operations by the CIA?	Comparative Government International Relations Modern World History Political Science U.S. History	Ethics Problems in American Democracy	Cold war Congressional oversight Covert action Intelligence National security
Should journalists have the right to protect their sources?	Current Events Law and Justice Political Science Sociology	Journalism Media	Confidentiality Fair trial Freedom of the press Journalistic ethics Journalists' privilege
Should your state require a minimum competency test for high school graduation?	Psychology Sociology U.S. History	Education Study Skills	Accountability Discrimination Functional illiteracy Measurement Minimum competency testing
Should the United States move to break the price-setting power of OPEC?	Modern World History Political Science Sociology Third World Nations	Current Events Economics	Balance of trade Cartel Competition Energy dependence Inflation Supply and demand
Should we stop construction of nuclear power plants?	Consumer Education Current Events Decision Making Economics	Ecology Modern Technology	Alternate energy Conservation Energy policy Radioactivity Soft technology
Should we legalize marijuana?	Constitutional Law Government Law and Justice Problems in American Democracy	Criminology	Controlled substance Drug abuse Evidence Personal liberty Social Control
Should the United States agree to international control of undersea mining?	Comparative Government Economics Geography International Law Political Science	Ecology Geology Modern Technology Third World Nations	Bloc Common Heritage Freedom of the high seas Negotiation Precedence
Should the Federal Trade Commission ban advertising on children's television?	Constitutional Law Consumer Education Psychology Problems in American Democracy	Media Journalism Nutrition	Free speech Government intervention Nutrition Parental guidance Product safety Regulation
Should Congress deregulate trucking?	Consumer Education Economics Government Political Science U.S. History	Business Law Ethics	Collective ratemaking Competition Immunity Market entry Public utility Regulation

Program	Social Studies	Related Courses	Concepts
Should the United States encourage withdrawal of investment from South Africa to promote political change?	African Studies Economics International Relations World History	Ethics Geography	Discrimination Disinvestment Foreign policy Human rights Minority rule
Should there be a constitutional amendment requiring a balanced budget?	Constitutional Law Economics Political Science Problems in American Democracy U.S. History	Statistics	Balanced budget Fiscal policy Inflation Money supply Recession
Should we have a system of compulsory national service for all young Americans?	Constitutional Law Philosophy Psychology Sociology	Career Development Decision Making	Civilian service Compulsory service Draft Social integration Volunteer Army
Should your state carry out death sentences?	Constitutional Law Law and Justice Philosophy Psychology Sociology	Criminology Ethics	Capital punishment Deterrence Discrimination Equal protection Retribution
Should Puerto Rico become a state, a commonwealth, or an independent nation?	Current Events Economics International Relations Modern World History Sociology	Colonialism Investments Spanish Third World Nations	Assimilation Autonomy Commonwealth Economic colony Imperialism Self-determination
Should the federal government guarantee comprehensive medical care for all Americans?	Civics Consumer Education Economics Government U.S. History	Health Medicine	Bureaucracy Cost control Social security Universal medicine
Should public institutions be permitted to give preferential treatment to minorities in hiring and admissions?	Constitutional Law Government Sociology U.S. History	Black Studies Education	Civil rights Discrimination Equal opportunity Equal protection Quotas
Should we cut back veterans' preference for state and federal jobs to provide more opportunity for women?	Constitutional Law Government Psychology Sociology	Women's Issues	Civil service Discrimination Equal opportunity Equal protection Merit
Should the United States support "self-determination" for Palestinians in a Middle East peace settlement?	Comparative Government International Relations Modern World History Political Science	Geography	Foreign policy National rights Self-determination Social justice Zionism
Should Congress substantially increase federal funding for public broadcasting?	Economics Government Political Science	Journalism Media	Appropriations Autonomy Censorship Freedom of speech Network

Using the Debates

The Advocates in Brief helps create knowledgeable citizens by challenging assumptions and questioning values. Students become involved in making moral and practical decisions about important issues affecting the United States. Specifically, students can

increase their awareness of contemporary problems

understand political, economic, and social changes in the modern world

gain tolerance for dissenting, opposing, and minority opinions

learn respect for open discussion and cooperation as ways to solve problems.

Teachers can use *The Advocates in Brief* in grades 7 through 12 with students of all academic abilities. Many in the class will be able to apply some of their own knowledge about a topic to the program in developing a stand on the issues. Teachers preparing students to use the debates can discuss what goes into an effective argument by helping them to

define issues
identify facts
summarize and organize ideas
differentiate between fact and hearsay
formulate an hypothesis.

Mastery of these simple memory and comprehension skills readies students for more complex thinking. Students then learn to

detect bias (extrapolate)
compare issues and points of view (analyze)
develop logical arguments after interpreting data (synthesize)
test an hypothesis considering available data (evaluate).

Throughout the classroom use of the program, students develop skills in listening and in critical thinking, enabling them to make informed and reasoned decisions.

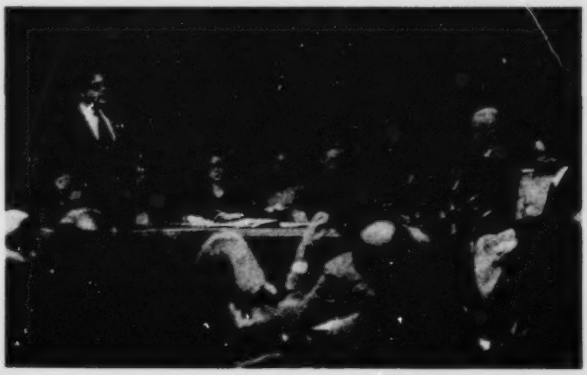
Class Preparation

For best results, arrange to record each program when it is broadcast and to preview it before using it in the classroom. Review the program guide which provides a summary of the issues, arguments, and related background information to help make the material more familiar.

Introduce students to new vocabulary to improve their understanding and interest in the program. The guide emphasizes the key words relating to the issues and includes a list of terms which the advocates and witnesses use in the debate. Students might need these vocabulary words near them for reference while watching the program.

Encourage students to prepare themselves by reading selections from the bibliography section of the guide, and supplement this with current news reports and magazine articles. Help students read maps, apply statistical data, and analyze charts to clarify the questions under debate and to support or defend their positions on these topics.

For optimal use of *The Advocates in Brief,* choose a few programs whose topics can be integrated into existing curricula or lesson plans. In this way, students can apply information gathered from the program to their coursework. Adequate preparation requires teachers to work closely with students, particularly the first time they use audio-visual material.



Class Activities

Many students learn more quickly if teachers assign work that strengthens and builds upon existing learning skills. Teachers can use their own imaginations, selecting from among the following types of activities:

library work to develop independent research skills

group work or work in pairs to stimulate production of artistic or creative projects

oral histories or interviews to strengthen oral communication

geography lessons and map reading to build the students' understanding of world cultures. Individual program guides list suggestions for student activities relating to each debate. Since individual teachers know their own students best, teachers can adapt or modify the activities, striving for maximum classroom participation.

Measuring Class Involvement

Evaluating class response is important after using ***The Advocates in Brief*** since, to most students, a television debate is a new or unusual teaching device. A common method for measuring results, which works well with large classes, is to test students for remembering and comprehension. Tests reveal whether students have assimilated the basic facts given in the program and in the guide, and indicates the teacher's success in presenting the material. One test might check students' understanding of the vocabulary used in the program. Another could question students' comprehension of the issue (What was the most important point made in favor of the question? How did the "con" witness state the case against the question?)

A way some teachers may choose to assess student understanding of the debate is to randomly list major points brought up during the program. Ask students to rank arguments in order of importance to both "pro" and "con" positions. This ordering enables students to fix in their own minds the key issues relevant to the topic. A more comprehensive exercise asks students to take sides on the question and support their positions. This activity tests the students' ability to extrapolate and then apply material to a specific issue.

A procedure which yields good, but less measureable, results is classroom discussion. Rapport among students indicates the extent of student interest and involvement. It shows how many in the class actually understood or felt strongly enough about the program to comment on the issues debated. It requires analysis and assimilation of facts or data and therefore demands more complex thinking skills.

Some teachers will want to invite feedback from the class, taking care to evoke from the students those comments which will prove most helpful in creating new, more effective teaching techniques. Ask how students could have been better prepared to view the program, and in what ways the program increased their knowledge or awareness of the topic. This method uses the most difficult thinking skill, the ability to evaluate or to judge. Successful development of these learning processes will reward both student and teacher.

The following are suggestions for utilizing *The Advocates In Brief* in combinations based on related program topics.

Program	Air Date	Topics and issues for classroom activities
Trucking Deregulation	March 13	public utilities and federal regulations price-fixing
Federal Medical Care	April 24	allocation of public monies private enterprise versus government bureaucracies the impact of lobby and special interest groups
Journalists' Sources	January 24	government control of the media censorship
Kids' TV	March 6	journalistic integrity the First Amendment
Public Broadcasting Funds	May 22	
Truants, Runaways	January 10	juvenile justice and protection of minors the concept of compulsion under the law
Competency Testing	January 31	the meaning of citizenship rights versus responsibilities
National Service	April 3	the goals of education
CIA Covert Action	January 17	protection under the Constitution morality and ethics
Death Sentences	April 10	human rights subversion of democratic ideals
Move to Break OPEC	February 7	alternative means of energy monopoly and the oil industry
Nuclear Power	February 14	the oil lobby use of oil profits government involvement in energy production citizen participation in public utilities
Legalize Marijuana	February 21	federal control of potentially harmful substances Constitutional rights under the First and the Fourteenth Amendments
Kids' TV	March 6	the duties and functions of the FDA
Seabed Mining	February 28	Third World nations and their influence in world politics and economics
South Africa	March 20	foreign policy and foreign aid economic distribution of resources the theories of capitalism and socialism
Puerto Rico	April 17	area cultural studies territorial self-determination
Palestinian Self-determination	May 15	legislation process for statehood foreign language studies
Preferential Treatment	May 1	history and purpose of the Veteran's Administration Equal Rights Amendment
Veterans' Preference	May 8	women's participation in war efforts the Weber decision the Bakke decision

Program Format

	Moderator:	Introduction of the question and the WITNESSES.
Pro	**Advocate:**	Position statement.
Con	**Advocate:**	Position statement.
Pro	**Lead Witness:**	Presentation of testimony in response to direct questioning by PRO ADVOCATE. Cross-examination by CON ADVOCATE.
Con	**Lead Witness:**	Presentation of testimony in response to direct questioning by CON ADVOCATE. Cross-examination by PRO ADVOCATE.
Con	**Rebuttal Witness:**	Presentation of testimony to CON ADVOCATE. Cross-examination by PRO ADVOCATE.
Pro	**Rebuttal Witness:**	Presenation of testimony to PRO ADVOCATE. Cross-examination by CON ADVOCATE.
Pro	**Advocate:**	Closing remarks.
Con	**Advocate:**	Closing remarks.
	Moderator:	Conclusion of the debate.

Several programs take a different format, wherein the Pro Advocate presents his or her case by calling both Pro Witnesses in succession. The Con Advocate follows, calling both Con Witnesses. In the debate on Puerto Rico, the three Advocates present one Witness each, who is cross-examined in turn by each of the other two Advocates. The individual program guides summarize each debate to make the order of presentation of Witnesses clear to teachers.

Should we end the courts' authority over truant, runaway and incorrigible children?

Background

Illinois established the nation's first juvenile court in 1899. Throughout this century, the main features of juvenile justice have been informal procedure and judicial discretion. The court does not establish guilt; it determines whether charges are true or not. Instead of uniform sentencing, the judge orders treatment tailored to an individual child's needs. The idea of rehabilitating wayward youth instead of punishing them was a triumph of reform.

Status Offenses

Certain acts, called status offenses, expose juveniles to arrest and prosecution. The most common status offenses are truancy, running away, and incorrigibility (a catch-all term meaning disobedience). Status offenses also include loitering and promiscuity. Status offenders are in trouble because of their age and condition, rather than any necessarily anti-social act or criminal intent.

Status offenders are not delinquents because they have not broken laws which apply to adults. There is no decisive evidence to link status offenses with later criminal behavior. However, delinquents can harmfully influence status offenders when they are confined together in detention centers.

Of the 300,000 children who come before judges each year, 40% are status offenders. Between 70% and 90% (females outnumber males three to one) are brought into the courts by their own families when intra-family discipline and conventional methods of social control break down. These parents, the majority of whom are poor, ask the state to control their children. Status offenses provide the courts with a method of bringing juveniles into society's protection when juveniles respond (by truancy, etc.) to serious problems in their home life.

There are problems with the enforcement of status offenses. Few juveniles are ever arrested for status offenses, therefore, bringing the charges against some infringes on the right of equal protection. Also, the charges are vaguely worded, a violation of Constitutional due process guarantees. With vague statutes, police must distinguish, for example, between old-fashioned stubborness and "incorrigibility" which can lead to arrest. Such discretion can take the form of racial or social discrimination and lead to different and unequal treatment for various juveniles.

Reform Movements

Because juvenile justice operates in the name of "beneficence", with the court theoretically acting in the child's best interest, certain abuses have occurred in juvenile hearings. In the 1967 *In re Gault* decision, the U.S. Supreme Court insisted on specific elements of due process for juveniles. The Court ordered that minors must receive written notice of charges, have the right to counsel, have the right to be confronted by witnesses, and have protection against self-incrimination.

To distinguish the status offender from the delinquent who has violated criminal law, many states use the acronym PINS, for Persons in Need of Supervision. Variations on this name are JINS, CHINS, and MINS for Juveniles, Children, and Minors in Need of Supervision. The federal government passed the Juvenile Justice and Delinquency Prevention Act of 1974 with the goal of deinstitutionalizing PINS and diverting them into special programs. Diversion runs the range of alternatives from the harshest training schools through community-based group homes, foster homes, and supervised and unsupervised probation. Although the Act encourages and finances the development of community-based correctional facilities, many PINS end up in institutions because adequate alternatives do not exist.

Briefing the class

Teachers might review for students the idea that eighty years ago "reform" meant creating a special system for children in the courts. Today, reform suggests dismantling part of that system. This program specifically debates the removal of court authority over status offenders. Without court involvement, status offenses would cease to exist, and other agencies would take over the treatment of juveniles in need of services. The fate of status offenders is a burning question in juvenile corrections. Without a federal juvenile justice system, reform must come on a state-by-state basis.

The Advocates are not debating major alterations to the current juvenile court system. Point out to the class that juvenile courts will remain to deal with delinquents and with such cases as abuse and custody. Violent juveniles, whose occasional vicious acts attract wide media attention, are a small percentage (3% nationally) of juveniles in the court system. The means to punish these juveniles harshly — by transfer to the adult criminal court system for trial — already exists in forty-nine states.

Pro Arguments

1. The idea of beneficence is obsolete.

The courts should not dictate what is best for a child.

The court should not use coercive powers on children who have not committed criminal acts.

Treatment and punishment usually amount to the same thing.

Treatment and beneficence have been used to deny due process.

2. The best method of delivering services to juveniles is outside the legal system.

Progressive public and private agencies are better equipped than a judge to focus on a child's needs.

A child shouldn't have to bear the brunt of "treatment" when the offense indicates more complex problems.

3. Elimination of status offenses will promote efficiency.

Reducing case loads by almost half will enable courts to concentrate on delinquency.

Police will be relieved of the task of arbitrary enforcement of status offense ordinances.

The public taxes saved can be spent on better youth services.

Con Arguments

1. Society owes protection to its children.

The court must be able to help juveniles who reject parental authority.

Coercive power is needed to compel action when juveniles refuse treatment.

The difficulty of treating status offenders is no reason to abandon them.

2. Only courts can provide the impartiality to tailor treatment to an individual's needs.

In the hands of the social and medical professions, a child's rights might be sacrificed to the goal of "healing".

Court involvement will insure that agencies provide treatment to those most in need of help, the poor or the hard-core offender.

3. Removal of status offenses from the courts will cause chaos.

By eliminating legal restraints, children will fall victim to their own immaturity.

The inability to compel juveniles to remain in school will result in the decline of a literate population.

The existence of the family will be threatened if parents do not have legally sanctioned ways to maintain control of their minor children.

Debaters

Moderator: Michael Dukakis

Pro Advocate: Charles Nesson
Law Professor, Harvard Law School.

Pro Witness: Kenneth Wooden
Investigative Journalist, author, former status offender and delinquent.

Pro Witness: Judge Luke Quinn
Probate Court Judge, Juvenile Division, Flint, Michigan. Eight years as a juvenile judge.

Con Advocate: Margaret Marshall
Boston attorney.

Con Witness: T. George Silcott
Administrator, Wiltwyck School, New York. Wiltwyck runs four treatment centers in Harlem and the Bronx which provide residence, individual and family counseling, alternative school programs, and mental health services.

Con Witness: Judge John Milligan
Family Court, Canton, Ohio. Family courts handle all phases of juvenile and domestic relations.

The Debate

Pro — **Witness, Wooden**

Questioning by Nesson

Advocate Nesson asks what happens to status offenders in the justice system. Mr. Wooden details a situation of juvenile abuse. He claims first that the courts want to retain control over status offenders to maintain an "empire", and ends by saying judges are too busy with heavy case loads to be aware of institutional abuse to juveniles.

Cross Examination by Marshall

Advocate Marshall ignores the apparent contradiction in Mr. Wooden's testimony and tries to get him to admit that the courts serve a useful role and need only judicial reform and adequate facilities to do the job. Mr. Wooden maintains that the courts have an eighty-year history of failure and that social welfare agencies should now take over.

Con — **Witness, Silcott**

Questioning by Marshall

Mr. Silcott testifies that many juveniles in the justice system as status offenders have actually committed delinquent acts for which they have not been successfully prosecuted. He states that court authority is necessary to hold the children long enough to address their problems and to compel social welfare agencies to provide the needed services.

Cross Examination by Nesson

Advocate Nesson challenges the witness on the blurring of distinction between status offender and delinquent, then turns his attention to the problem of status offenders glutting the courts and institutions and taking resources away from the pursuit of serious juvenile crime.

Con — **Witness, Milligan**

Questioning by Marshall

Judge Milligan asserts that the courts' involvement begins when the support systems of family, schools, social agencies, and welfare departments have broken down and a child becomes a chronic status offender. He expresses confidence in improved due process procedures and warns against potential abuses if welfare departments had coercive authority over children.

Cross Examination by Nesson

Advocate Nesson attacks Judge Milligan's insistence that coercion is a necessary tool to enforce treatment. He suggests future monetary cutbacks could diminish the "good" programs which are available to judges for treatment of juveniles and left without alternatives, the courts will revert to institutionalization.

Pro — **Witness, Quinn**

Questioning by Nesson

Judge Quinn refutes the belief that detention is beneficial or therapeutic. He claims judges often administrate the facilities which treat juveniles, creating an extended power base for themselves.

Cross Examination by Marshall

Advocate Marshall questions Judge Quinn on the value of schools like Wiltwyck, with which the witness agrees but maintains the system would work as well without court intervention. He suggests that responsibility for status offenses is unfairly placed on children (in cases such as truancy) instead of with parents who should be prosecuted for not sending their children to school.

Activities

1. Examine your state's juvenile court system. How is "status offense" defined? What happens to status offenders? Is your state considering reform? Organize a trip to a local juvenile or family court to interview a court officer for statistics on status offenders in that jurisdiction.

2. Have the students construct a public opinion poll on juvenile crime. What are the common assumptions about age, sex, and offense which most people associate with juvenile crime? What responsibility do they think belongs to the offender, to the state, to society? What values do the poll's findings reflect?

3. Discuss the current reforms in the juvenile system. What values do they embody?

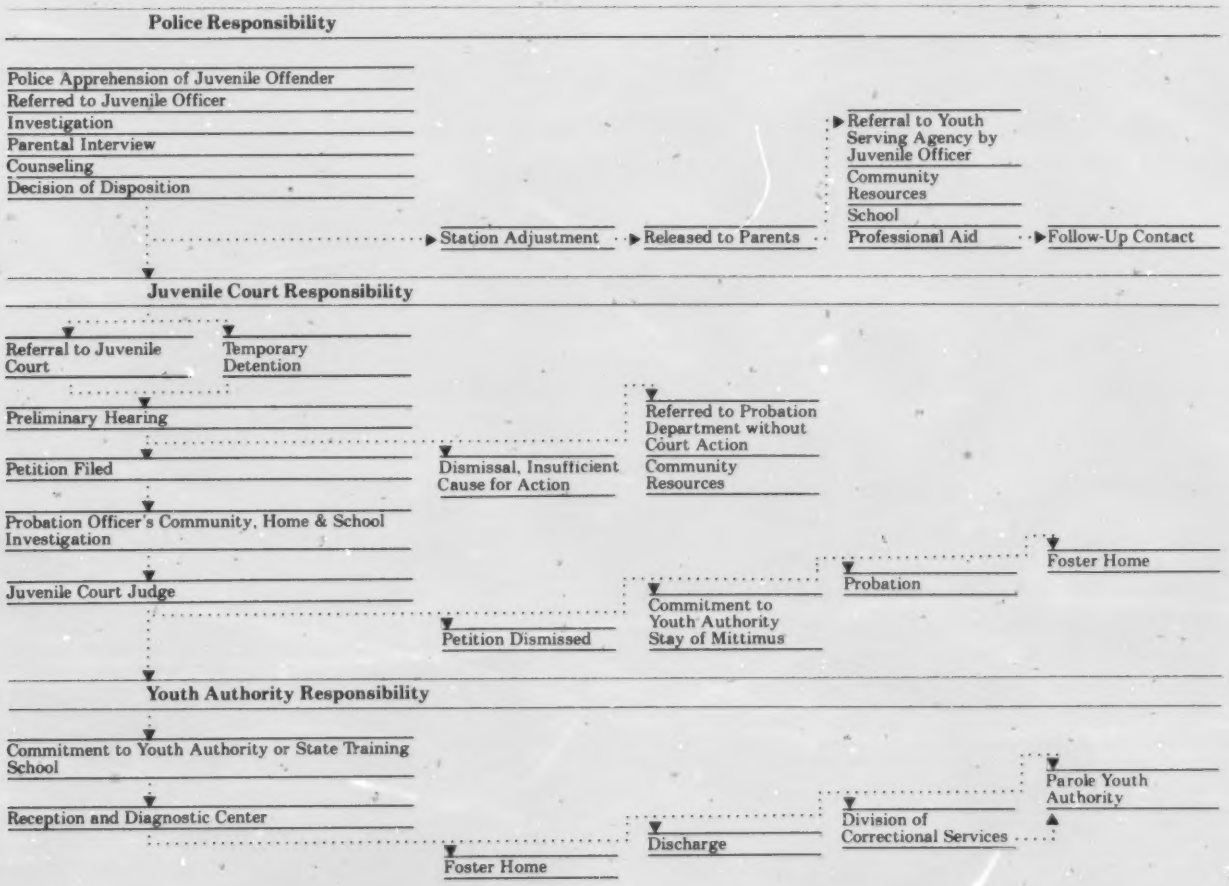
4. Discuss the following quote: "Acceptance of the legitimacy of the law is a far more effective instrument of social control than is fear of punishment."

5. Stage a classroom debate in which the four witnesses called are a status offender, a delinquent, a victim, and a sibling of a juvenile offender. Ask each witness to take a position and defend it. Witnesses should avoid taking a predictable position (the victim might be against retaining court jurisdiction over status offenders).

Terms in the Debate

patronage
jurisdiction
overkill
halfway house
plea-bargain
adjudicated
coercive
maturation
commonality
burden of proof
candidly
bridle
misdemeanor

From Arrest to Disposition



Should our foreign policy include covert operations by the CIA?

Background

Just after World War II, the National Security Act organized the Central Intelligence Agency (CIA) to coordinate intelligence activities previously handled by seven different departments. Growing out of the wartime OSS (Office of Strategic Services), the CIA was to collect information, often by clandestine operations, or espionage, to protect American interests abroad. One clause of the legislation which created the CIA authorized it to perform: ". . . such other functions and duties related to intelligence affecting the national security as the National Security Council (NSC) may from time to time direct." This statement became the basis for covert operations — secret actions taken to change the course of events in foreign countries. As a policy matter, the goal of covert operations is to reduce risks to U.S. national security and to create a stable world order.

Orders for covert operations come from the National Security Council, whose members are the President, Vice-President, and Secretaries of Defense and State. The Director of the CIA, who is also Director of Central Intelligence (DCI), advises the NSC on intelligence matters and carries out its orders. The CIA Act in 1949 gave the Director power to spend money without having to account for it, thus assuring any covert operations of secrecy.

CIA Activities

The wide range of foreign CIA covert operations includes giving advice, information, or money to a foreign country at the request of a friendly government (or of friendly groups within hostile countries) or sending weapons and personnel to a country. The CIA has been involved in a coup d'etat in Iran and a military dictatorship in Greece. The CIA has intervened to resist leftist governments in Chile, Iran, and Guatemala. It has assisted repressive regimes in Brazil, Vietnam, and the Dominican Republic. In the 1960's, CIA-directed paramilitary troops without identifiable uniforms were sent to Cuba, the Congo, and Laos to organize and fight with anti-communist forces. In 1974-76, Senator Frank Church (D-Idaho) headed a Senate investigating committee which examined past CIA activities. They concluded that charges linking the agency with assassinated heads of state were unfounded, although the CIA assisted anti-Castro forces to do so.

Covert operations are no longer a major activity of the CIA. During the Cold War of the 1950's, over 50% of the CIA's budget was devoted to paramilitary action. By 1978 the amount was reduced to 2%. Several factors caused this reduction; the spirit of detente (a lessening of tensions between the U.S. and the Soviet Union), Watergate, which encouraged a review of what is appropriate government action, and public exposure of CIA activities by ex-agents.

Oversight

The CIA is responsible to the NSC, the NSC's advisory councils, and to newly formed House and Senate Select Committees on Intelligence. In addition, the Committees on Armed Services and the Judiciary in both Houses oversee the CIA. In 1974, Congress passed the Hughes-Ryan Amendment which requires the CIA to notify appropriate committees "in a timely fashion" whenever the President orders a covert operation. Thus the Armed Services, Appropriations, Senate Foreign Relations, House International Relations, and Select Committees must be notified.

Briefing the Class

Before viewing, teachers should help the class understand the limits of the debate. The arguments deal with several questions that encompass 1) the effectiveness of covert actions (whether they work) 2) the morality of the actions (whether it is right to use them regardless of their success or failure) 3) the influence of the operations upon our system of government.

The debate does not dispute the role of passive intelligence gathering; it is carried on so extensively by all nations that it is an accepted part of international relations. Encourage students to see that while the CIA has the legal right to perform covert operations, as the situation now stands, its capability for doing so is greatly diminished. The U.S. should either renounce covert actions or grant them the secrecy necessary to maintain operations on which lives can depend.

Pro Arguments

1. Covert operations are a necessary part of U.S. foreign policy.

The U.S. needs a response option more powerful than traditional diplomacy but short of open warfare.

Covert action can buy time so that diplomacy has an opportunity to work.

With the Soviet Union and China covertly spreading their influence around the world, the U.S. has a moral obligation to enter the struggle.

2. Covert operations must be secret.

Cooperation with foreign sources, who would be embarrassed by acknowledgement of U.S. aid, depends upon secrecy.

Covert support of friendly groups in foreign countries enables and encourages them to resist repressive regimes.

3. The U.S. must accept the risks of covert action.

The risks of expanded Communism or the loss of access to strategic resources are greater.

Security leaks with covert actions are no greater than with diplomatic operations.

Congressional oversight insures that covert activities are kept within moral limits.

Laws against security leaks deter the exposure of sensitive material.

Con Arguments

1. Covert operations undermine our democracy.

Covert actions do not promote a world order based on the rule of law.

Covert actions are immoral and damage our nation's image abroad.

Covert actions rob Congress of its budgetary and warmaking powers.

2. Secret operations are inefficient.

Secret help to groups in foreign countries often requires our continued aid.

The U.S. cannot measure the long range effect of subsidizing political parties and leaders who could turn against us.

Short-term solutions provided by covert operations fail when follow-up actions do not improve social conditions.

3. The risks involved in covert operations are too great.

Covert operations are not effective in the countries of our most powerful enemies (U.S.S.R. and China). Third World nations resent our meddling in their affairs.

Our enemies can use exposures of our covert activities as propaganda against us.

With the innovations in Congressional oversight of the CIA, covert operations run a great risk of security leaks.

The ethics of this decade demand public disclosure of government activities.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Barney Frank
Massachusetts State Representative (D-Boston).

Pro Witness: William Colby
Former Director of the Central Intelligence Agency.

Pro Witness: Lyman Kirkpatrick
Professor of Political Science, Brown University. Former CIA Inspector General (1953-62), responsible for insuring agency effectiveness and compliance with the law.

Con Advocate: Margaret Marshall
Boston attorney.

Con Witness: Morton Halperin
Director, Center for National Security Studies, which litigates freedom of information cases. Former member of the National Security Council Staff under Henry Kissinger.

Con Witness: Robert Borosage
Director, Institute for Policy Studies, a non-governmental, public policy research study group. An expert on covert activities of the CIA.

The Debate

Pro — **Witness, Colby**

Questioning by Frank

William Colby explains that the U.S. needs the option for covert action because some activities, such as financial support for foreign political figures, are illegal. He maintains that while communists and socialists are covertly spreading their influence, the U.S. should take steps to strengthen freedom and democracy worldwide.

Cross Examination by Marshall

Advocate Margaret Marshall examines the past record of the CIA and challenges the use of secrecy to achieve foreign policy objectives and the illegality, both here and abroad, of the means employed (torture, kidnapping, extortion, bribery). Colby insists that covert actions are necessary even if we would object to the same measures being used against us.

Con — **Witness, Halperin**

Questioning by Marshall

Halperin states that the CIA operates primarily under the control of Presidents, several of whom have used it to bypass democratic processes. He reviews the range of activities available to the CIA, saying the secret is on the Americans more than the foreign countries.

Cross Examination by Frank

Advocate Frank asks the witness to explain what, if any, are the costs to society of covert actions. Halperin argues that covert actions are illegal and it is morally corrupting to condone behavior outside our own laws. He says that voters cannot elect presidents based on their actions if they conduct secret foreign policy.

Con — **Witness, Borosage**

Questioning by Marshall

Advocate Marshall explores the lack of restrictions (except limitations on assassinations) on CIA activities despite recent exposures. Borosage lists what he currently sees as the three primary areas of CIA activity — election bribery, propaganda, and paramilitary operations. He says the legacy of covert operations is a trained secret bureaucracy which continues to engage in lawless activities often switching allegiance to secret agencies in other countries.

Cross Examination by Frank

Advocate Frank suggests that effective covert operations might be desirable. Borosage insists that free institutions abroad are subverted by secret manipulation by foreigners and that much of U.S. assistance could be given openly.

Pro — **Witness, Kirkpatrick**

Questioning by Frank

Mr. Kirkpatrick testifies that the CIA only does what policymakers tell it to do. He claims congressional committees appear satisfied with their oversight capabilities, and that more failures get public exposure than successes.

Cross Examination by Marshall

Advocate Marshall questions Kirkpatrick on the Church Committee's conclusion that even successful CIA operations don't advance U.S. foreign policy objectives. Kirkpatrick insists the public wants secret operations or Congress would outlaw them.

Activities

1. Read the recruitment advertisement for CIA agents or write for a CIA career brochure. What do the qualifications say about the people hired to do intelligence work? Discuss what assignments students think agents should perform and match their impressions to the James Bond image.

2. If any students have access to a short-wave radio receiver, listen or make a recording of a Voice of America news broadcast and one from Radio Moscow or Radio Peking. Try to detect and compare the different points of view or slant each broadcaster places on the information it disseminates to the rest of the world. Read a local newspaper report of an international situation. Discuss the source of the report, the U.S. position, and the way U.S. leaders are conducting foreign policy. Might the CIA be secretly involved? Are there conflicts between the class's ideas of properly conducted foreign policy and CIA activities?

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3. Consider Kirkpatrick's testimony that the CIA does what it is told, in light of admitted past presidential abuses. What ethical responsibility should the CIA assume for its actions? Draw an analogy with a school policy objective and ask if students could condone, for example, the use of undercover narcotics agents working in the school to protect the security of teenagers.

4. Ask some students to research the CIA activities mentioned in the program (aid to Suarez in Portugal, tampering with the election of Allende in Chile, support for the government of the Shah of Iran) and report back to the class the results of those operations. In retrospect, what were the long-term effects? Were the operations technically successful and did they advance U.S. foreign policy?

5. Discuss how strategic resources, trade routes, and Communism in Third World nations are matters of national security.

6. Consider Senator William Fulbright's statement, "... as far as foreign policy is concerned, our government system is no longer one of separated powers, but rather one of elected, executive dictatorship."

Terms in the debate

Marshall Plan
Quaddafi
Suarez
countervailing
Bay of Pigs
Chilean DINA
Iranian SAVAK
"dirty tricks"
checks and balances
extremists
leftist dictators

Should journalists have the right to protect their sources?

Background

A basic guarantee of American freedom is provided in the First Amendment to the Constitution which states, "Congress shall make no law . . . abridging the freedom of speech, or of the press." Supreme Court Justice William O. Douglas has written, "The press has a preferred position in our constitutional scheme, . . . not to set newsmen apart as a favored class, but to bring fulfillment to the public's right to know."

Under the First Amendment, the press claims both the right to publish without censorship and to a journalists' privilege, the right to publish information without disclosing its sources. Journalists rely on confidential sources — informants who prefer to keep their identity secret — in order to gain access to stories which might not be given openly because of threats to job security or personal safety. Reporters protect sources because disclosure may have a "chilling" effect, that is, without protection, sources might withhold information.

Court Decisions

In recent months, several court decisions have symbolized the conflict between the press and the courts. The *New York Times* was fined and newsman Myron Farber jailed for refusing to turn over his notes to a judge in a murder trial. In *Zurcher v. The Stanford Daily*, the Supreme Court ruled that government officials may obtain search warrants to enter a newsroom and examine photographs, notes, and research files. In a 1972 landmark decision, the U.S. Supreme Court ruled that reporters must testify within the privacy of a Grand Jury investigation (*Branzburg v. Hayes*).

In cases involving the protection of news gathering and the editorial process, the courts have often ruled in favor of journalists. A Florida State Court recently decided that two *Miami Herald* reporters did not have to turn over notes of conversations they had while preparing an article. The U.S. Supreme Court refused to review the federal drug conviction of a man who claimed he was entitled to the testimony of a *Newsweek* reporter at his trial.

In criminal cases where the First and Sixth Amendments appear to conflict, the judiciary places more emphasis on safeguarding the rights of a defendant than in honoring the tradition of press privilege. The courts hold that an individual's liberty has priority over other constitutional guarantees.

Subpoenas

A subpoena is a court order demanding the appearance of a person or the submission of materials in court. Subpoenas may be selective, requesting specific evidence, or sweeping, as in the case of *The New York Times and Farber*. Reporters object to a blanket order of the second type because their notes often include rumor, gossip, and misinformation which they are reluctant to yield to a court for interpretation.

The use of subpoenas is increasing. From 1960 to 1970, the number of subpoenas served on journalists, as recorded by the Reporters Committee for Freedom of the Press, was about 150; from 1970 to 1976, about 500. Since then, because of the great number, the Committee has been unable to keep track.

Legislation to protect journalists from subpoenas, in the form of shield laws, first appeared in 1898 in Maryland. Such laws shield journalists from forced disclosure of sources by judicial or other investigatory bodies. Since the *Branzburg* decision in 1972, twenty-six states have enacted journalists' privilege statutes. The constitutionality of these laws has never been tested, but they have not protected the press against contempt charges.

Briefing the Class

The topic of journalists' privilege has a long history of courtroom dispute. The most recent prominent case, which involved Myron Farber and the *New York Times*, attracted national attention. As a result of the *Zurcher* decision, in late 1978 the White House proposed a law that would protect newsrooms from search and seizure. This bill and other more far reaching proposals are pending before Congress.

Teachers might prepare the class with a discussion of the individual rights amendments in the U.S. Constitution. The program mentions the First (freedom of the press), the Fourth (right of privacy), and the Sixth (right of fair trial). Some familiarity with the wording of these guarantees will help students decide whether the First Amendment should be interpreted to include a journalists' privilege and whether certain rights can conflict.

The testimony of Daniel Schorr includes references to the Watergate conspiracy. Teachers should review for students the chronology of events surrounding Watergate and introduce the figures mentioned in the program — Gordon Liddy, Howard Hunt, and "Deep Throat."

Pro Arguments

1. A journalists' privilege protects the public's right to a free flow of information.

The press can only be an effective watchdog over public affairs and government officials if it can preserve the confidentiality of its sources.

Subpoenas are costly and time consuming to resist and can cause hardship to a news organization.

Disclosure discourages investigative reporting which depends on confidential sources.

Subpoenas poison the atmosphere between a newsman and his sources.

Subpoenas are issued unnecessarily and used to intimidate the press.

2. A press privilege does not interfere with the smooth administration of law.

Shield laws do not obstruct reporters from testifying to first-hand knowledge.

The state must do its own investigating, gathering evidence in accordance with the law.

Forced disclosure is used by defense lawyers as a tactic to delay judicial proceedings.

3. A federal statute will permit journalists to respect the ethics of their profession without risking punishment for contempt.

The statute would give recognition to a code of ethics in effect for centuries.

The law must be unambiguous and absolute so that courts cannot twist or relax it.

Con Arguments

1. A free press can operate without a journalists' privilege.

The First Amendment protects against censorship, but does not give the press special privileges.

Prize-winning investigations have been done in states without shield laws.

An informant wants to reveal certain information and will not be intimidated by a subpoena.

Law enforcement officials are careful in the exercise of subpoena power and support the press in uncovering wrongdoing.

2. A defendant's right to a fair trial under the Sixth Amendment demands full disclosure.

Journalists shouldn't be the ones to decide what information to produce in the defense of an accused.

Granting a journalist a special right not to testify is an obstacle to justice.

The rule that a defendant has the right to every man's testimony is based on the judicial need for necessary facts.

3. A journalist's privilege statute would put the press at the mercy of the state.

Requesting the same type of immunity that doctors and lawyers now enjoy, the press must be prepared to pay the same price — licensing or other control by the state.

Legislation would limit journalists' rights by defining "journalist" and deciding who is legitimate.

Debaters

Moderator: Michael Dukakis

Pro Advocate: Charles Nesson
Law Professor, Harvard Law School
Pro Witness: Daniel Shorr
Columnist, author, former CBS correspondent, gained national attention for refusing to disclose information in the Watergate investigations.

Pro Witness: Floyd Abrams
Attorney, a leading advocate of the rights of free press, defending in the trials of the Pentagon Papers and the Myron Farber cases.
Con Advocate: Avi Nelson
Radio and television commentator.

Con Witness: David Wilson
Columnist, *The Boston Globe*, a major daily newspaper.
Con Witness: Larry L. Simms
Attorney, Department of Justice.
Also served as Chief Counsel for Reporter's Committee for Freedom of the Press.

The Debate

Pro — **Witness, Schorr**

Questioning by Nesson

Daniel Schorr defines confidential sources and explains why they are important to investigative journalism and the operation of the free press.

Cross Examination by Nelson

Advocate Nesson challenges Schorr on whether journalists or judges should be the final arbiter of what evidence will be presented in court. Schorr maintains that defendents should be set free rather than force a journalist to break a confidence. He adds that where lives are at stake no honorable reporter would grant confidentiality to a source.

Con — **Witness, Wilson**

Questioning by Nelson

Advocate Nelson examines his witness on whether sources "dry up" without journalists privilege. Wilson states that publishing material from anonymous sources is a questionable press practice. He claims incidents of newspersons being called to testify are few, but that journalists should obey the judges authority.

Cross Examination by Nesson

Advocate Nesson explores the moral and ethical obligations of reporters to respect the law. Wilson asserts that reporters should not make their own rules but must be prepared to bear contempt penalties to avoid a situation where the government determines who is, or is not, a journalist.

Con — **Witness, Simms**

Questioning by Nelson

Advocate Nelson asks Simms whether the U.S. Constitution provides for journalists' privilege or guarantees fair trials. Simms states that the document only provides for the latter, citing the Sixth Amendment. He claims that an absolute privilege will interfere with judicial process and allow the guilty to escape prosecution.

Cross Examination by Nesson

Advocate Nesson tells the witness that allowing some guilty defendants to go free to protect individual rights is an unavoidable consequence of our justice system. Simms argues that aborting prosecutions to preserve Fourth Amendment rights to privacy (illegal search and seizure) and the Sixth Amendment right to fair trial is a different matter than confounding justice by a journalists' privilege which he says is not Constitutionally guaranteed.

Pro — **Witness, Abrams**

Questioning by Nesson

Advocate Nesson tries to determine whether the use of subpoenas is increasing. Abrams says that judges may not always act with the best of motives and that lawyers try to focus attention away from the defendant by putting the reporter on trial. He sees increasing confrontation in the exercise of court power over journalism.

Cross Examination by Nelson

Advocate Nelson explores whether journalists should have privileges beyond lawyer-client, doctor-patient confidentiality. Abrams asserts that they should have the same rights and calls unfounded the fear that defining "journalist" will restrict the press.

Activities

1. Invite the editor of a local student newspaper to give his or her perspective on press privilege as it operates in a school. Ask how student and commercial newspapers differ. Does the First Amendment protect student publications from censorship by the school administration? What is the policy on publishing information from undisclosed sources and the safeguard against libel? Find sample cases of suits filed by school newspapers against school censorship.

2. Discuss the standards of reporting the public should expect from the press. What is journalistic integrity? Compare *The New York Times*, a local community newspaper, and a national tabloid-style weekly. Discuss the editorial style of each and the moral and ethical values those publications represent.

3. Find out whether your state has a shield law, and interview a professional journalist for opinion on the impact the law (or the lack of one) has on sources' willingness to talk and on publishers' self-censorship. Be aware of potential bias. Ask his or her opinion on whether press freedoms conflict with rights of fair trial. Choose and defend a position.

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4. Discuss the role and power of the press in our society. How can the press perform its function without being "above the law"? Compare the following cases involving journalists' privilege:

Two reporters refuse to disclose to the court their source, a government aide, who enabled them to write prize-winning articles which led to an investigation of alleged criminal activities by a U.S. President.

A reporter refuses to disclose his source in a trial of drug ring organizers. The source is a contact in the drug ring who the reporter plans to use again for articles on other activities by organized crime.

5. Compare the confidentiality between a journalist and his or her source with the confidential relationship between a doctor and patient, lawyer and client, or priest and parishioner. What are the grounds for the confidentiality in each situation? Should the law protect such confidences? Which relationship(s) does your state honor?

6. Consider the quotation "The power to tax is the power to destroy." (Chief Justice John Marshall). Is the power to fine and jail journalists the power to restrict the press? How much power should judges have over the operation of a free press?

Terms in the Debate

contentious
stigma
op-ed
allegation
Socratic insight
credibility
coercion
invocation
assertion
prosecution
antithetical
exclusionary rule
domestic surveillance
protagonists

Should your state require a minimum competency test for high school graduation?

Background

The push for minimum competency testing began in the early 1970's when studies appeared showing that American students were performing considerably below previous levels. Employers complained that a growing proportion of job applicants lacked the reading, writing, and mathematical skills necessary for entry level positions — what educators call functional illiteracy. Functionally illiterate people permitted to graduate from high school filed suits in California and New York charging the states with "educational malpractice."

Many reasons are given for the drop in functional literacy. The primary targets of criticism are the schools and the innovations in education during the 60's which emphasized experimental and values-oriented education. A Gallup Poll found that Americans blame a range of phenomena; primarily television, student motivation, and permissiveness, but also busing, working mothers, and even DDT. Innovators in education blame the measurements themselves, the test. Among the findings are the following:

In 1973, the College Entrance Examination Board announced that college applicants' scores on Scholastic Aptitude Tests (SATs) were declining in both verbal and mathematical sections. Shortly thereafter, the American Testing Service reported a similar decline.

An Adult Performance Level Project study done in 1975 for the United States Office of Education concluded that one out of five adult Americans, or 23 million people, are functionally illiterate. For example, one in five respondents did not draw the correct conclusions from reading a store's check-cashing policy.

Declines in vocabulary, quantitative thinking, ability to look things up, ability to express oneself, knowledge of literature, social studies, and the natural sciences have been reported by Iowa's statewide testing program, Minnesota's state scholastic aptitude test, and McGraw Hill's Comprehensive Test of Basic Skills.

Legislative Action

Once the province of local school boards, education is now a concern of state legislatures. Since 1975, thirty-eight states have mandated minimum competency tests, and fifteen of those states have legislated that the award of a diploma depend upon passing the test. (Two states passed laws and later rescinded them.) Many schools are reverting to academic promotion, holding students back until they achieve competency for their grade level, to replace the current system of social promotion, or automatically promoting students with their age group. As a result, schools are expanding their diagnostic and remedial educational services. Many people raise questions about financing these services and dealing with those who fail repeatedly.

There is considerable dispute over whether competency standards discriminate against racial minorities, lower socio-economic groups, students for whom English is a second language, or students with learning disabilities. A class action suit brought in Florida to strike down that state's competency requirements for graduation on the basis of discrimination was unsuccessful. The court held that the tests themselves did not discriminate but it would not allow the tests to be used to deny diplomas until it was shown that all students had the same opportunity for an equal education.

At the national level, the National Academy for Education Committee on Testing and Basic Skills took a position, in its March 1978 report, that statewide minimum competency standards for awarding a high school diploma were basically unworkable, exceed the present measurement arts of the teaching profession, and would create more social problems than they could solve. Nevertheless, Congress passed legislation in 1979 to provide grants to states which want to start or have started educational proficiency plans. These plans must include a specific description of standards in reading, writing, and mathematics.

Briefing the Class

Teachers can help the class make several distinctions clear. The current issue is not about whether there should be competency tests but about whether they should be used to deny diplomas. Some opponents of state-required tests for high school graduation actually favor the use of competency testing in lower grades as a diagnostic tool for guidance and remedial purposes.

Arguments about which educational system is most effective (values-oriented or back-to-basics) are irrelevant to the question under debate, as is discussion over whether states or localities should set the standards. The relevant controversies are over whether educators can develop tests to measure minimal competency (or life skills), whether standards can be "color-blind", whether remedial solutions are available. Debate on the desirability of state legislatures mandating minimum competency tests for graduation reaches the heart of these controversies.

Pro Arguments

1. Society must control the education of its children.

Statewide standards allow an evaluation of teachers, curricula, schools, and districts.

Citizens can hold educators accountable for producing a literate populace.

2. The test restores meaning to a high school diploma.

Making educational goals and expectations clear benefits both teachers and students.

Educational standards guarantee the teaching of basic skills.

3. The standards are those ultimately applied to a person in the job market.

Tying passage of the test to the granting of a diploma increases student and teacher motivation.

Standard tests encourage early identification of problems before the end of formal schooling.

The link to a diploma makes remedial and compensatory education work.

Con Arguments

1. The tests penalize the student for the faults of the whole educational system.

Students, not teachers, are held accountable and bear the burden of failure.

The art of education cannot deal with the student decline any better than it already does.

2. Minimum competency testing diverts education from its proper goals.

Teachers and curricula will begin to "teach the test," i.e., gear education to achieving a minimum level of competency.

The test would be a disincentive to students to rise above the minimum.

3. Educational measurement is unscientific and cannot produce tests that are valid, unbiased, and non-discriminatory.

The tests penalize blacks, the disabled, and cultural minorities for whom English may be a second language.

The definition of and method for testing functional competency has not been established.

The test will nudge poor and disadvantaged students out of school.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Lew Crampton
Senior Analyst, Arthur D. Little consulting firm.

Pro Witness: Gordon McAndrew
Superintendent of Schools, Gary, Indiana. Formerly a classroom teacher.

Pro Witness: Wilson Riles
Superintendent of Public Instruction, State of California. An elected public official, formerly teacher and education consultant.

Con Advocate: Renault Robinson
Director, Afro-American Patrolman's League, Chicago.

Con Witness: Judah Schwartz
Professor of Engineering Science and Education, Massachusetts Institute of Technology. A critic of educational testing.

Con Witness: Alex Rodriguez
Commissioner for the Massachusetts Commission Against Discrimination. An advocate of individualized education.

The Debate

Pro — **Witness, McAndrew**

Questioning by Crampton

Advocate Crampton asks the reasons for instituting competency testing in Gary, Indiana. McAndrew details the dissatisfaction of employers, the armed forces, parents, and students themselves with their learning progress which led to setting standards of performance and teaching objectives in reading, writing, and arithmetic.

Cross Examination by Robinson

Advocate Robinson asks where to place the blame for poor academic performance — with the teachers or with students. McAndrew emphasizes that successful competency testing programs prepare students early in their school years and account for individual problems. He suggests that schools did not demand enough from students before testing, and that student achievement levels are now rising.

Con — **Witness, Schwartz**

Questioning by Robinson

Schwartz explains why no one can satisfactorily define or measure competency. He claims that available tests are fundamentally flawed and cannot improve the quality of education.

Cross Examination by Crampton

Advocate Crampton asks the witness if he opposes standards. Schwartz reiterates that competency tests are based on false assumptions and that simplistic tools will not solve the problems of education.

Con — **Witness, Rodriguez**

Questioning by Robinson

Rodriguez states that one goal of education is to produce productive individuals who can realize their potential. He denies the validity of evaluating children by tests which are imperfect and inconsistent and are unavailable for public scrutiny.

Cross Examination by Crampton

Advocate Crampton tries to broaden the areas of agreement on learning goals. The witness agrees that children should learn core skills but Rodriguez claims the emphasis should be on providing children with the kind of individual assessment that encourages their direction. He also suggests that children who repeatedly fail competency tests can develop dangerously low self-images.

Pro — **Witness, Riles**

Questioning by Crampton

Advocate Crampton examines a specific testing program in California. Riles agrees with both anti-testing witnesses that local communities — parents as well as teachers — must develop the test standards and make them public. He says the California program sets minimum, not maximum goals and gives meaning to a diploma.

Cross Examination by Robinson

Advocate Robinson points out dramatic differences in pupil scores depending on the wording of specific California test questions and asks whether such test results are definitive. Riles concedes that the validity of test questions are still being examined but that students are not yet denied diplomas.

Activities

1. Take the test sampler provided below. (Answers: Writing — 9. A, 11. B, 13. D, 14. C, 15. C, 16. B; Mathematics — 15. d, 17. A, 18. D, 19. D, 20. C; Reading — 1. B, 2. B. 3. C.) What skills are considered essential? What values are evident? Consider the type of question, phrasing, and names of people cited. Analyze a sample of your state's (or another's) minimum competency test and compare it with the ETS sampler. What grade level does it represent? Can you make a case for the racial or cultural bias of tests like these? Can such a test be expected to do away with functional illiteracy?

2. Obtain copies and compare your school's current English and Social Studies curricula with those of several years ago. Which skills are emphasized? How does each curriculum reflect the intellectual climate of its time and the community's concerns?

3. Some classes might ask why certain witnesses were chosen for this debate. Is the class satisfied that the debate touched on all the arguments? Reconstruct the debate calling different witnesses — a high school graduate, a faculty member of a standards committee, a skilled-jobs employer, etc.

4. Ask students to describe their own expectations about their education. Do they think they are getting a good education? Who should take the credit or blame? Are they taking advantage of opportunities or does the school lack programs? What do they want to get out of school?

5. Suggest that one group of students examine the prospect of schools setting maximum standards of performance. What special advantages would such a certificate of achievement offer? Will students and teachers try harder to reach maximum goals? Will minimum or maximum goals improve schools and education?

6. Ask your principal or superintendent to describe the criteria for teacher hiring and tenure. Who sets the guidelines? Compare them with other communities' standards, considering location, community interests, and values, as well as standards and teaching objectives. Are students learning what the teacher wants? Why or why not?

Terms in the Debate

abrogate	stigma	sanskrit
ambiguous	beleaguered	aggregate
doctrinaire	inequitable	feedback
coiterie	alleviate	computation
incentive		

Basic Skills Sampler

Writing Skills

Directions for Question 9: Choose the best answer to the question.

9. Which way should David Albert Woods fill out the following line in an application form?

APPLICATION FOR EMPLOYMENT

Name _____
(last) (first) (middle initial)

(A) Woods David A (B) D A Woods
(C) Woods D A (D) David Albert Woods

Directions for Questions 10-14: Choose the word or set of words that best completes each sentence.

11. My music teacher thinks that Marian Anderson sings _____ any other contralto he has ever heard.
(A) more well than
(B) better than
(C) the most good of
(D) more better over

13. Jerry's supervisor praised his ability _____.
(A) that he works quickly
(B) of quick work
(C) for his working quick
(D) to work quickly

14. Eric wanted to buy a motorcycle, but his parents would not _____.
(A) be accepting it (B) allow their approval
(C) give their permission (D) have agreement with it

Directions for Question 15-16: Choose the word or set of words that can logically join each pair of sentences. The punctuation will be different in the new sentence, but the words must remain in the same order.

15. David returned the new toaster to the store. It didn't work _____.
(A) otherwise (B) unless (C) because (D) or

16. The teacher would like to take the students on a camping trip. She must get permission from the parents _____.
(A) regardless of (B) but first
(C) so that (D) and if

Mathematics

15. A room is 12 feet wide and 15 feet long. Mr. Lopez wants to put 2 coats of paint on the ceiling. He must buy enough paint to cover how many square feet?
(A) 24 (B) 30 (C) 180 (D) 360

SELF-SERVICE
GASOLINE
$8.9/ gallon

17. The same gasoline is $3.24 a gallon at a Full Service station. How much is saved by buying 16 gallons at the Self-Service?
(A) $1.02 (B) $9.09 (C) $10.11 (D) $10.24

18. Mrs. Wong has to be at work at 8:45. If she allows 1 hour and 20 minutes to get there, what is the latest she can leave home?
(A) A quarter to 8 (B) 5 after 8
(C) Half past 7 (D) 25 after 7

GIGANTIC SALE
BIG $400 TV
NO MONEY DOWN
ONLY $1 A WEEK

19. If you buy this TV, about how many years must you expect to keep paying for it?
(A) 1 (B) 2 (C) 4 (D) 8

20. If a state sales tax is 5%, what is the amount of tax on a $400 washing machine?
(A) $2 (B) $5 (C) $20 (D) $50

Reading Skills

Questions 1-3 refer to the following medicine label.

RAMITOL FOR TEMPORARY RELIEF OF MILD SORE THROAT

Dosage: 3-6 years: ¼ teaspoon at 6 hour intervals
6-12 years: ½ teaspoon at 6 hour intervals
over 12 years: 1 teaspoon at 4 hour intervals

WARNING: Severe and persistent sore throat or sore throat accompanied by fever, headache, nausea, or vomiting may be serious. Consult a physician immediately. If rash or irritation develops, stop use and consult a physician. Do not use more than 2 days or administer to children under 3 years of age unless directed by physician.

1. According to the directions, if you have a sore throat, fever and a headache, you should
(A) use Ramitol for more than 2 days
(B) call a doctor as soon as you can
(C) increase the amount of Ramitol you take
(D) use other medicine to stop the pain

2. How much Ramitol should be given to a 7 year old child?
(A) ¼ teaspoon every 6 hours
(B) ½ teaspoon every 6 hours
(C) ½ teaspoon every 4 hours
(D) 1 teaspoon every 4 hours

3. You should stop using Ramitol right away if you get a
(A) headache (B) fever (C) rash (D) sore throat

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Should the United States move to break the price-setting power of OPEC?

Background

The Organization of Petroleum Exporting Countries (OPEC) began to develop its monopoly power in 1970 by demanding price increases from American oil companies. The companies were unable to resist oil producer's demands so OPEC's influence grew until it gained control over production. By July 1979, the cost of a barrel of imported crude oil had risen from $2.18 (in 1971) to a high of $23.00.

As the largest importer of oil in the world, the U.S. buys half its total supply abroad. American oil companies acquire and market oil under agreements with the producing countries. The members of the OPEC cartel maintain oil price control by voluntarily restraining production at less than full capacity. "Cheating" or selling more than the agreed quota, would drive the price down by increasing the supply of oil on the market. Saudi Arabia is the key to OPEC's success, regulating its production to keep overall OPEC production at a level low enough to support the price.

Energy Policy

Since 1973, the U.S. has not disputed OPEC's power to set the world price of oil. Instead, U.S. policy has encouraged arms deals and investment in the U.S. to ensure that oil producers have a vested interest in a healthy U.S. economy.

The U.S. is under attack from foreign heads of state who blame high U.S. oil imports for the sagging U.S. balance of trade (the relation of exports to imports), the slide of the dollar abroad, and rising worldwide inflation. In a Japan summit meeting in 1979, President Carter promised to freeze U.S. petroleum imports at 8.5 million barrels per day through the 1980's and pledged conservation and reliance on alternate energy sources. Carter proposed an increase in the price of domestic oil to OPEC levels and a windfall profits tax to reduce the unearned financial benefits to oil companies.

Policy Alternatives

Other ways to enable the U.S. to meet its energy needs and break OPEC's price-setting power involve finding new sources of supply or returning competition to the oil market. Domestic reserves diminished greatly from the 1920's to the 1970's and cannot meet U.S. needs. The Alaskan pipeline provides 1.3 million barrels a day, and demand continues to increase. North Sea, Chinese, and Latin American oil resources and impressive new Mexican discoveries offer possibilities for future supplies. Dealings with non-OPEC suppliers of crude oil will require diplomatic initiatives to persuade sales at less than OPEC prices.

OPEC has a disparity in its membership which might be manipulated to create competition. Seven of the OPEC countries are poor, with high populations — Algeria, Ecuador, Gabon, Indonesia, Iraq, Nigeria, and Iran. Six members are rich, low-population countries — Kuwait, Libya, Qatar, Saudi Arabia, the United Arab Emirates, and Venezuela. If the poorer group stepped up production, and the richer group refused to accommodate it by cutting back, OPEC unity and its control over the market might disintegrate.

A widely known plan for changing the market's procedures is the quota-ticketing scheme proposed by economist M.A. Adelman. The U.S. would sell access to its market by issuing a limited number of tickets, based on the forecasted volume of oil imports. All oil coming into the country would need a ticket, which would be auctioned off by sealed bid. The tickets could be traded and sold for whatever the producer was willing to pay to get a share of the U.S. market. OPEC's price controls would continue but each producer's profits would decrease by the cost of the ticket. The U.S. could distribute the money made on ticket sales to consumers as a rebate.

Briefing the Class

Teachers can point out that the wording of the question is particularly sensitive. It does not ask whether the U.S. should try to break up OPEC (a position many regard as irresponsible) but whether the U.S. could hope to break OPEC's control over oil prices. Help students understand that such a policy leaves open two questions: 1) whether the U.S. can pull it off, and 2) whether the U.S. should try it. Some say the U.S. can and should. Others say either we cannot do it, or we might be able to, but it is too dangerous to try.

One of the issues that comes up is whether high oil prices are good or bad. Even among those who argue that high prices are good, there are some who oppose preserving OPEC's power. Another problem is the debate over the abundance or scarcity of oil. If either is correct, long term policy questions regarding OPEC are pointless. Although estimates conflict somewhat, the discussion concerns oil that is actually known to exist. No one sees alternate sources as an easy or ready solution to oil shortages and OPEC power.

Pro Arguments

1. The U.S. should assert its power as the world's largest oil importer to restore competition to the oil market.

Artificially high oil prices disrupt the U.S. inflation rate, the balance of trade, the value of the dollar abroad and the world's economy.

The U.S. can encourage new discoveries to increase the supply of non-OPEC oil.

Government policy should encourage competition for access to the U.S. market.

2. Paying high prices to create stable relationships with OPEC countries does not make sense.

OPEC needs a healthy U.S. economy as much as the U.S. needs OPEC oil.

Our "special relationship" with Saudi Arabia does not keep prices low.

Preserving good will does not require accepting prices without negotiations.

There is no evidence that high oil prices pay for political stability in oil producing countries.

Con Arguments

1. Creating a competitive market for oil is impossible.

OPEC has an unavoidable monopoly over oil production because it controls most of the earth's oil resources.

OPEC is too strong for manipulation which can only result in humiliation for the U.S.

Faced with lower prices, OPEC will cut production and regain the higher price through scarcity of supplies.

2. Good relations with oil producers encourages low prices.

Tampering with the OPEC cartel could provoke them to retaliate against us and our European allies by shutting down production.

Threatening OPEC would destroy what influence we now have with oil producers.

Stimulating investment in this country gives oil producers an interest in the health of our economy.

Competition in oil production among OPEC countries might disrupt the anti-communist alliance in the Mideast.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Avi Nelson
Radio and television commentator.
Pro Witness: Jack Blum
Attorney for U.S. independent oil sellers. Formerly counsel for the U.S. Senate Anti-Trust and Monopoly Subcommittee and Foreign Relations Committee.

Pro Witness: Jim Flug
Energy Action Committee, a public interest group, Washington, D.C. Formerly an energy advisor in three branches of government.
Con Advocate: Margaret Marshall
Boston attorney.

Con Witness: James Akins
Director of the Office of Fuel and Energy, Department of State. Former Ambassador to Saudi Arabia.
Con Witness: John Hill
Energy analyst. Formerly with the Federal Energy Administration which, prior to absorption by the Department of Energy, oversaw price and allocation controls on oil.

The Debate

Pro — **Witness, Blum**

Questioning by Nelson

Blum explains how cartels work, including their vulnerability to potential cheating on voluntary agreements by members trying to increase their market share and revenue. He thinks U.S. policy accepts high prices as a stimulus to new alternate energy technologies.

Cross Examination by Marshall

Advocate Marshall makes some distinctions between OPEC and cartels controlling less essential commodities. Blum rejects the idea that OPEC members wouldn't cheat because they do not need more money. He asserts that, despite any price-breaking moves, Saudi Arabia would continue producing oil to maintain a political position in the region.

Con — **Witness, Akins**

Questioning by Marshall

Advocate Marshall asks if the U.S. can break OPEC by such schemes as Adelman's based on producers trying to sell more oil. Akins scoffs at the Adelman scheme, describing a drive among OPEC nations to lower production and income as a result of inflation and poor returns on U.S. investments.

Cross Examination by Nelson

Advocate Nelson quarrels with the notion that OPEC nations are acting in the best interests of the U.S. Akins maintains negotiations are important and that the price of oil could be higher if OPEC had not responded by increasing supplies to compensate for reduced Iranian production after the collapse of the Shah.

Con — **Witness, Hill**

Questioning by Marshall

Advocate Marshall asks the witness about the ramifications of a failed effort to disrupt OPEC's price control. Hill emphasizes the scarcity of energy in the world and the unavailability of reliable supplies except through OPEC. He suggests high prices are necessary to conserve limited resources.

Cross Examination by Nelson

Hill agrees with Advocate Nelson that high prices hurt the poor most but that all we can do is help them pay energy costs. Advocate Nelson raises the point that Saudi Arabia's construction and industrialization commitments over the next five years prohibit cutbacks in production to maintain high oil prices. Hill counters that the Saudis were already reassessing the rapid pace of their country's development.

Pro — **Witness, Flug**

Questioning by Nelson

Flug supports the position that the Saudis would not cut back production to maintain prices. He says oil producers need the U.S. as their biggest customer, and OPEC retaliation in the form of economic warfare would hurt them as well.

Cross Examination by Marshall

Advocate Marshall argues the current arrangement with OPEC encourages conservation and alternate energy development. Flug insists we do not need higher prices to justify conservation. In fact, he claims, people cannot now financially afford to take measures, like installing insulation, to reduce energy waste.

Activities

1. Research and draw a chart indicating the change in oil prices since 1971. Beginning with the Yom Kippur War in 1973, make a timeline linking political factors to each major price change. How has U.S. reliance on imports grown in the same period?

2. Have students discuss their future prospects depending on current energy policy. If oil imports suddenly stopped, would American ingenuity quickly make alternatives available? Would students be willing to make dramatic lifestyle adjustments now, or would they pay "any price" for oil? Ask what foreign policy risks they are willing for our national leaders to take to preserve a comfortable standard of living in the U.S. How do special interest lobbies affect energy policy decisions?

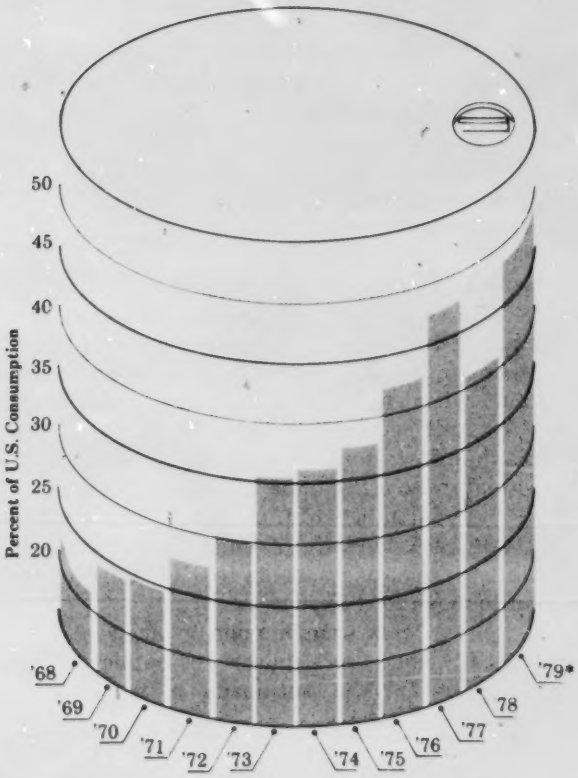
3. Divide the class into groups to examine individual OPEC countries. Research the impact of sudden wealth upon each country's economy, social structure, religion, politics, and expectations. Also consider each country's stance within OPEC. Is its leadership conservative or radical; politically or economically motivated? Does its government enjoy national popular support for its policy? Assemble the information and ask for class discussion on the stability of OPEC.

4. Generate a discussion of the politics of oil with a review of *The Advocates* "Should the U.S. support 'self-determination' for Palestinians in a Middle East peace settlement?" How does an oil shortage affect U.S. foreign policy in the Middle East? Is there a moral dilemma?

5. Monopolies and price-fixing are outlawed in this country by the Taft-Hartley Act, although the government has deliberately inhibited competition in certain regulated areas of the economy. Review *The Advocates* "Should Congress deregulate trucking?" for a discussion of a restricted domestic market segment. Discuss and compare the ways OPEC limits competition. What are the moral and ethical justifications for U.S. support of an oil cartel? Discuss proposals to combat OPEC with counter-cartels controlling, for example, international wheat sales. Would "cheating" break up the counter-cartel?

Oil Imports

Source: American Petroleum Institute
*Projected figure from Independent Petroleum Association of America



Terms in the Debate

public interest group
income transfer effect
certificate of deposit
Treasury notes
economic warfare
shale oil
commodity
inflation rate
perterbation

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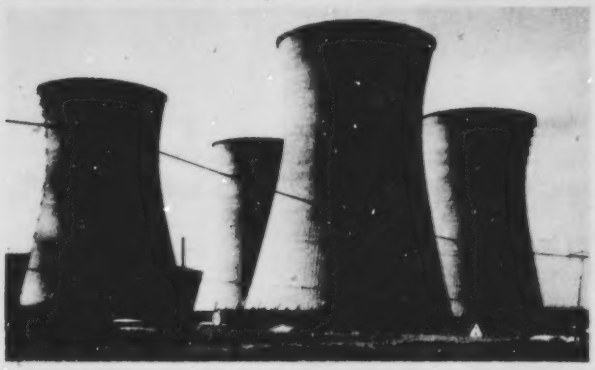
Should we stop construction of nuclear power plants?



Background

The U.S. is by far the world's leading producer of nuclear power. At present there are seventy-two nuclear power plants in the U.S. licensed to operate and about 125 more plants under construction or on order. Existing plants produce 13% of the electricity in the U.S. (3.5% of the energy supply), equivalent to two million barrels of oil consumption daily. Dependence upon nuclear power varies with the region. Nuclear plants account for half or more of the electrical energy in Chicago (45%), New England (Vermont, 79%), and parts of the South (South Carolina, 47%).

Nuclear Reactors

All existing and currently planned nuclear reactors in the U.S. are light water reactors (LWR) which use uranium as a fuel. Nuclear energy plants are like coal-powered plants except that the source of the heat which generates the steam which turns the turbines comes from fission rather than from the burning of coal. World uranium reserves are limited and may not provide sufficient supplies for the lifetime of reactors built after 1985. As a result, the nuclear industry advocates "plutonium breeder reactors" (or fusion reactors) which produce more fuel than they consume. Theoretically the breeder can provide an endless supply of energy, but not without problems. First, plutonium is much more radioactive than uranium. Second, the fuel must be reprocessed (uranium and plutonium extracted from the wastes) and be transported, making it a possible target for terrorists who could use plutonium to make atomic bombs. Other major countries hope to have commercial breeders in operation by the 1990's. Opposed to the breeder, President Carter has refused to authorize appropriations to build a commercial prototype reactor at Clinch River, West Virginia.

Nuclear waste disposal is a major problem with no resolution in sight. "Spent fuels" are stored in water pools at reactor sites. For most plants, these pools will be filled by 1985, and several states have passed laws forbidding the burial of nuclear wastes within their borders. Plans exist to implement a centralized spent-fuel storage facility or develop a salt-bed prototype waste repository by the late 1980's.

Government Action

A recent study by the Center for Disease Control of 3,000 Army personnel exposed to radiation during an atomic bomb test in Nevada during the 1950's and early 1960's has generated new interest in the health effects of low-level radiation. The study showed that the group had more leukemia than the national average. Another study showed the rate of fatal leukemia among children exposed to radioactive fallout from atomic bomb test sites in Nevada was 2.5 times higher than average. Dr. Arthur C. Upton, Director of the National Cancer Institute reported to the Senate Energy Subcommittee that the studies in low-level radiation are incomplete and inconclusive.

In the wake of the Three Mile Island reactor accident in Pennsylvania in 1979, several developments have focused public attention on the future of nuclear power:

Several House and Senate Committees and Subcommittees began investigations of plant safety, licensing problems, disposal, and federal supervision of reactors.

The Nuclear Regulatory Commission (NRC) shut down some plants and sent special investigators to re-examine them.

Members of Congress began questioning the Price-Anderson Act which limits the legal liabilities of nuclear accidents to $560 million and began to move to change it.

Public opinion polls by the *New York Times*, CBS, and others showed the public still favoring (by 55%) the continued construction of nuclear plants.

Briefing the Class

Teachers can encourage class awareness of the areas of common agreement, and disagreement in this debate. Arguments over nuclear power are tied to the U.S. need for energy, which is divided into short-term and long-term perspectives. Both sides agree that the world will exhaust its reserves of oil and will eventually turn to hard energy sources (coal, nuclear) or "benign" sources (solar, hydroelectric). The sides disagree on projected energy use through the end of the century, which depends both on conservation and the availability of supplies. They also disagree on the economic and technological issues relating to a switch to renewable energy sources.

The program specifically discusses the phasing out of nuclear energy as existing plants live out their lifetimes (forty years) and deals with the long-term choices. Help students see that the choices may not be either-or propositions but a combination of alternatives.

Pro Arguments

1. Nuclear plants are an unacceptable hazard to health and safety.

The risk of a major accident or meltdown is too high.

There are no adequate means of disposing of radioactive wastes.

Low-level radiation from small leaks has proven to be harmful.

Radioactivity will remain in the environment and food supply threatening future generations.

2. Nuclear power is more expensive than other power sources.

The costs of waste disposal, decommissioning plants, and accident liabilities are passed on to consumers.

Energy conservation and renewable energy sources will be adequate to compensate for the energy which would be produced by future nuclear plants.

3. Nuclear energy dependence is a threat to our society.

Widespread shutdown of plants in the event of a major nuclear accident wil paralyze our economy and cause serious social problems.

Nuclear plants increase the risk of the theft of radioactive materials and the proliferation of nuclear weapons.

Con Arguments

1. Nuclear power is the safest energy source.

There has never been an accident that injured the public or caused a death.

Disposal of the small amounts of nuclear waste materials is technically solvable.

Compared to carbon fuels, nuclear reactors have the lesser impact on the environment.

Wider use of fossil fuels can trigger devastating climactic changes.

2. Nuclear power is the cheapest source of energy.

Producing sufficient supplies of solar energy will cost more than what has already been invested in nuclear development.

Nuclear is the only known technology capable of supplying our consumption needs, at a price we can pay.

3. Our society must develop all viable energy sources.

Continued dependence on oil imports will lead to energy shortages and serious economic disruptions.

Nuclear weapons can be made in the laboratory and do not depend on pilferage from power generating facilities.

Debaters

Moderator: Michael Dukakis

Pro Advocate: Anthony Roisman
Attorney with the National Resources Defense Council, a public interest group which litigates environmental protection cases.
Pro Witness: Michio Kaku
Nuclear Physicist, City College of New York.

Pro Witness: Charles Komanoff
Energy Analyst.
Pro Witness: Barry Commoner
Professor of Environmental Science. Director, Center for the Biology of Natural Systems, Washington University.

Con Advocate: Avi Nelson
Radio and television commentator.
Con Witness: A. David Rossin
Nuclear Engineer, Commonwealth Edison, Chicago.
Con Witness: Alan S. Manne
Professor of Operations Research, Stanford University, California.

The Debate

Pro — **Witness, Kaku**

Questioning by Roisman

Advocate Roisman questions the safety risks of nuclear plants. Mr. Kaku describes several of what he calls "major" accidents at nuclear facilities. He presents statistics on radiation hazards and cites problems with disposal.

Cross Examination by Nelson

Asked about radiation emitted from conventional fuel plants, Kaku responds that the dangers with nuclear energy are quantitatively larger and more threatening than the risks of radiation emitted by coal-burning plants.

Pro — **Witness, Komanoff**

Questioning by Roisman

Komanoff tells Advocate Roisman that nuclear is more expensive than coal-fired electricity and costs several times the energy equivalent from a barrel of oil. His solution is a move toward energy efficiency and conservation and away from heavy dependence on a source which could be cut off suddenly in the event of a major accident.

Cross Examination by Nelson

Advocate Nelson challenges the witness on why, if the risks are great, he favors continued plant operation. Komanoff argues for a balance of risks and benefits in the short term and calls for greater consumer awareness.

Con — **Witness, Rossin**

Questioning by Nelson

Advocate Nelson asks about the lesson of Three Mile Island for the future of nuclear power. Rossin asserts that the accident proved that safety features of nuclear plants protect the health of the public. He discusses the relative risk factor of released radiation on humans.

Cross Examination by Roisman

Advocate Roisman explores human error as a cause of nuclear plant accidents. Rossin declares that plant design takes the human factor into consideration and safety systems are built to protect the public.

Con — **Witness, Manne**

Questioning by Nelson

Advocate Nelson poses some questions on U.S. future energy needs. Manne projects a need for 300 operating nuclear plants by the year 2000 to supply increased consumption. He holds little hope for the production of significant amounts of solar energy before the turn of the century.

Cross Examination by Roisman

Advocate Roisman refers to an article in *Science* Magazine (April 1978) claiming efficiency would save an amount equivalent to all the projected nuclear power production for the year 2000. Manne defends his own growth figures for electrical usage and asserts the need for both coal and nuclear plants.

Pro — **Witness, Commoner**

Questioning by Roisman

Dr. Commoner revises the projections on the availability of solar energy by the year 2000. He broadens the definition of solar energy to include gas from renewable organic compounds grown by sun energy and presents an optimistic picture of photo-voltaic technology.

Cross Examination by Nelson

Advocate Nelson presents a study which differs with Dr. Commoner's conclusions and places a high price-tag on solar development. Commoner defends small-scale solar development and gradual transition.

Activities

1. Ask students to discuss risk-taking and trade-offs. If they need x-rays for injuries now, do they assess the possible harm of that radiation for future generations? Are nuclear plants acceptable as long as they are built near someone else? How much risk are they willing to take against a vague future problem?

2. Some students could research the design of a nuclear reactor and make a diagram outlining the operating principles, including the relevant terms (containment building, cooling towers, fuel rods). Discuss the chain of events during an accident (water-level, meltdown, China syndrome). For further study, some students can research previous nuclear incidents — TMI, Brown's Ferry, Fermi — and attribute the causes to human, design, or procedural error.

3. Interview the school nurse or physician about the hazards of radiation. Ask about large initial doses and the cumulative effect of low-level exposure. What precautions do dentists take in connection with tooth x-rays? Why do doctors discourage prolonged exposure to the sun? Find out the industrial or geographical reasons which explain different background radiation levels in various communities.

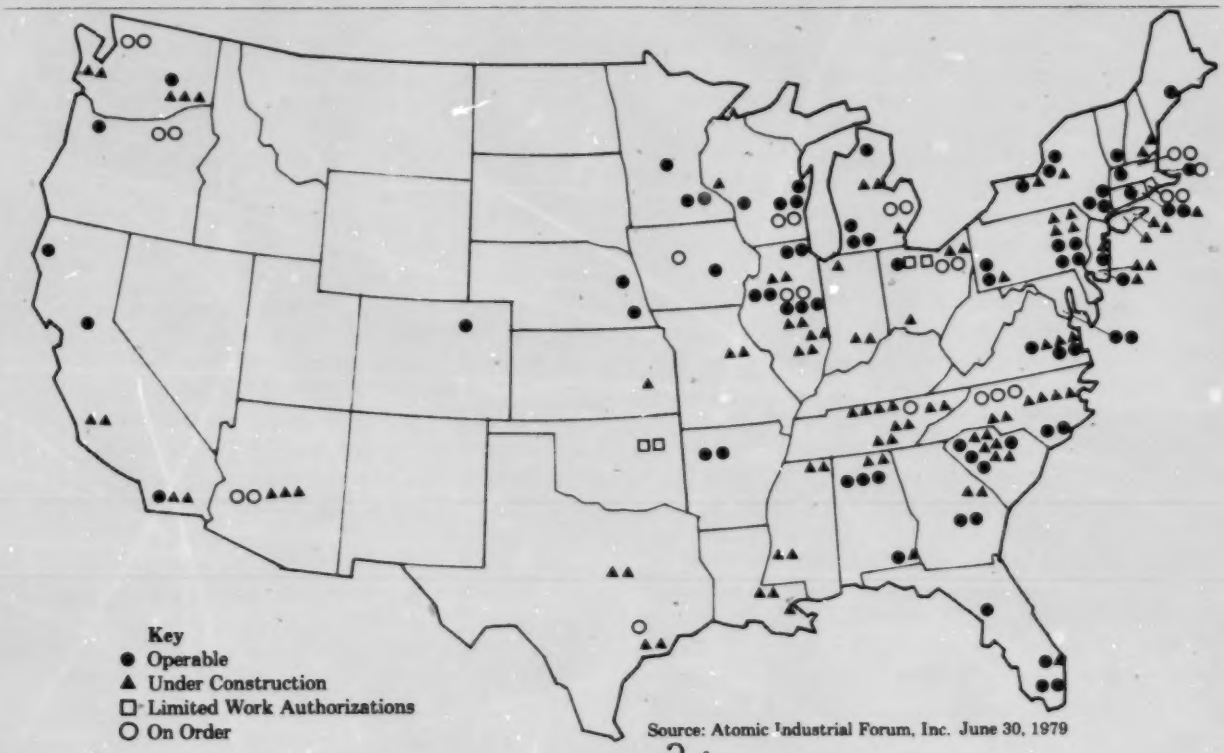
4. Write for printed statements and newsletters of a local environmental group and a local utility on the subject of nuclear energy production. Compare and contrast their positions on the need for and effect of nuclear energy. Evaluate the statistics each uses to support its argument.

5. Contrast the vision of nuclear and solar development with the genius and resources required for success. If the U.S. pushed for nuclear or solar development, could it solve the problems as it did in the space program? When should an idea be scrapped if the problems seem insurmountable?

Terms in the Debate

millirem
quad
British Thermal Unit
methane
moratorium
synthetic fuels
fusion
Gross National Product
mandatory controls
lifeboat ethics

Nuclear Power Plants in the United States



Source: Atomic Industrial Forum, Inc. June 30, 1979

Should we legalize marijuana?

Background

Cannabis is the Latin name of the plant which produces marijuana. Of the fifty-six known substances unique to the plant, Delta 9-THC (tetrahydrocannabinol) and at least three others are psychoactive A recent study of marijuana use in the U.S. funded by the National Institute on Drug Abuse (NIDA) showed one in eleven high school seniors smoke marijuana daily. Twenty-nine percent of 16-17 year-olds had smoked marijuana, fifteen percent of 14-15 year-olds, and four percent of 12-13 year-olds. In the population at large, polls showed that 43 million persons have tried marijuana and 16 million are regular users. The FBI Uniform Crime reports note 400,000 marijuana-related arrests yearly, the majority of which are persons under the age of 21.

Legal History

Utah and California led the nation with the first anti-marijuana laws in 1915. By 1937 when the first federal law passed Congress, marijuana, characterized as a "killer weed" used by "depraved criminals", was already illegal in every state. In the 1950's, the Boggs Act and subsequent amendments raised federal penalties for drug offenses to their highest point. Nevertheless, marijuana use skyrocketed and became a youthful symbol of dissatisfaction and rebellion, while pressure mounted to moderate the criminal laws against users. In 1970, change came as part of the Controlled Substances Act in which the federal government lowered the penalties for possession of all drugs from a felony to a misdemeanor. At the same time, Congress established the National Commission on Marijuana and Drug Abuse to examine the health and social impacts of marijuana use in the U.S. The Commission's report unanimously recommended the decriminalization of possession of small quantities of marijuana. Eleven states, led by Oregon and California, have since modified their laws to treat minor violations with citations and fines instead of arrest. Early reports show decriminalizing marijuana use has not increased consumption significantly. It has halved adult marijuana arrests in those states and saved local criminal justice agencies millions of dollars. In 1977, President Jimmy Carter asked Congress to amend the federal law to eliminate all criminal penalties for possessing up to one ounce of marijuana.

Physical Effects

The health effects of marijuana are not completely known, particularly in the long-term. THC is fat-soluble and stores in the fatty tissue of the body where it can remain for thirty days or more. Research with humans and animals shows THC affecting both male and female reproductive functions. Researchers report lowered testosterone (the male sex hormone) levels and decreased sperm content among males and changes in the menstrual cycles of females. In experiments with female rhesus monkeys, reduced pregnancy and birth rates were common. As a result, scientists express particular concern about the effect of marijuana use on the developing reproductive systems of young people and of childbearing adults.

Other studies point to structural changes in the brain, impaired memory, and lung tissue damage. Many experts agree that, while producing undesirable side effects, marijuana is less toxic than either tobacco or alcohol. Controlled doses of marijuana's active substances have proven medicinal uses in the treatment of glaucoma, asthma, multiple sclerosis, and some side effects of cancer chemotherapy. Up until the 1930's marijuana was prescribed for a variety of ailments, and drug stores carried it until the federal laws outlawed its use. Current federal restrictions still limit marijuana's availability for therapeutic uses.

Briefing the Class

The teacher can help the class understand that the debate takes up the classic issue of individual rights — privacy, personal freedom, and pursuit of happiness — as opposed to society's right to pass laws for its own welfare. Much of the recent literature and news reports on marijuana concentrates solely on the scientific evidence of its short and long-term health effects, its therapeutic uses, and its medical hazards compared to liquor and cigarettes. The program encompasses both issues, the research evidence and the larger ethical and constitutional questions of personal liberty.

Pro Arguments

1. Marijuana laws are improper and ineffective.

The laws violate individual liberty because the decision to consume a substance is a personal choice which affects no one else.

Marijuana laws do not deter use, in fact, the illegality poses an attraction for youth.

Decriminalization does not significantly increase use.

2. The harmful effects of marijuana use have been exaggerated.

Alcohol and tobacco are more harmful, yet are legal.

Marijuana is not narcotic or addicting.

The laws discourage therapeutic development of marijuana's medical potential.

3. Current marijuana laws are costly to society.

The psychological impact of widespread disregard of laws is great.

The economic costs of arresting and prosecuting minor offenders is wasteful.

Legalization will end the control of dope traffic by organized crime.

Legalization could result in public education campaigns to discourage drug abuse.

Con Arguments

1. Legal restraints on marijuana use are necessary.

It is society's responsibility and right to establish when an individual's actions threaten others.

Relaxed enforcement of existing laws encourages drug dependence in our culture.

Legalizing marijuana will increase its availability and use, particulary among impressionable youth.

Legalizing marijuana will usher in the legalization of other more potent substances such as cocaine.

2. No drug should be legal until known to be safe.

Evidence on physical harm from marijuana is growing.

Youths are potentially most vulnerable to marijuana's effects on physical development, educational capability, and psychological attitudes.

3. An individual's self-abuse can do society great harm.

The example of tobacco and alcohol suggest why it is in society's interest to regulate mind and health affecting drugs.

The potential for genetic alterations pose a threat to future generations.

Society must shield its youth from falling victim to their own immaturity.

Debaters

Moderator: Michael Dukakis

Pro Advocate: Avi Nelson
Radio and television commentator.
Pro Witness: Peter Meyers
Chief Counsel for NORML, the National Organization for the Reform of Marijuana Laws.

Pro Witness: Dr. Lester Grinspoon
Professor of Psychiatry, Harvard Medical School.
Con Advocate: William Rusher
Publisher, *National Review*.

Con Witness: Dr. Robert DuPont
Director, Institute for Behavior and Health. Founding Director of the National Institute on Drug Abuse.
Con Witness: James Buckley
Former U.S. Senator (R-New York).

The Debate

Pro — **Witness, Meyers**

Questioning by Nelson

Meyer's main point is that marijuana is not as physically or socially harmful as the public has been told. He claims that laws against its use waste money and effort and create contempt for laws. He says current statutes have not deterred children from using the substance. In fact, he says, some young people think adults have been lying about marijuana, which leads them to doubt the dangers of more deadly drugs.

Cross Examination by Rusher

Advocate Rusher draws a contradiction from Meyers who says adults should be able to get marijuana but its use shouldn't be encouraged by advertising. Meyers' concern for the drug's dangers center on driving under the influence and its effect on pregnant women. He thinks that there is more harm to society by disobedience to laws than from drugs of no proven harm.

Con — **Witness, Dupont**

Questioning by Rusher

Dupont gives statistics on marijuana use and lists some of the physiological effects. He mentions lung damage (emphysema and bronchitis), possible cancer, and hormonal imbalance in both sexes. He points to the harm a person can cause to another, such as in auto accidents or by simply caring less about things.

Cross Examination by Nelson

Dupont rebuts that, although similar in its toxic effects to alcohol and tobacco, marijuana is not yet so widespread that laws will not discourage its use. In fact, legalization would signal that marijuana use is a socially approved activity.

Con — **Witness, Buckley**

Questioning by Rusher

Buckley believes, philosophically, in maximum individual liberty. However, he states an opposition to permitting individual actions which threaten society. He says it's too late to do anything about alcohol, but marijuana's potential danger is reason enough to outlaw it.

Cross Examination by Nelson

Advocate Nelson suggests that the government makes marijuana more attractive by forbidding it. Buckley insists the issue shouldn't be decided according to libertarian values but based on whether the substance is actually harmful. He argues for providing enough information about marijuana to allow people to make their own decisions to stop using the drug.

Pro — **Witness, Grinspoon**

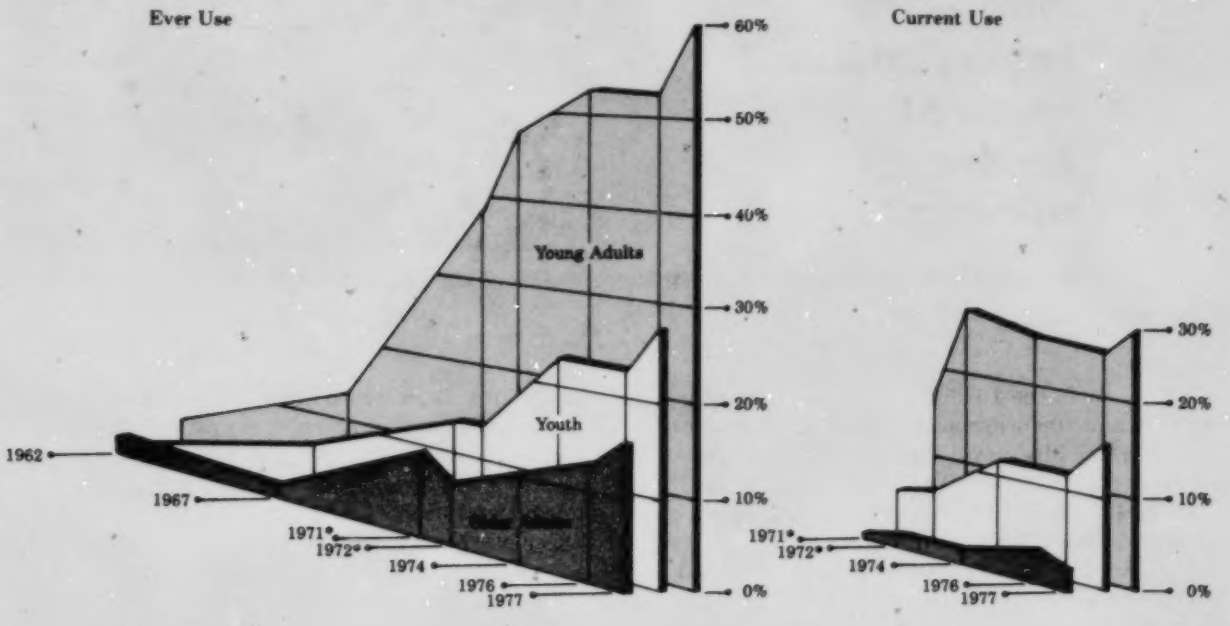
Questioning by Nelson

Grinspoon says he has reconsidered his own medical opinion about marijuana after studying the supposed behavioral changes with the drug's use. He says research conclusions about marijuana's ill effects have not held up under the scrutiny of separate studies.

Cross Examination by Rusher

Advocate Rusher leads the witness to say he is not in favor of legalizing harmful drugs. Although Grinspoon will not say there is no harm from marijuana use, he maintains that the evidence does not show that there is any significant harm.

Trends in lifetime experience with marijuana



*Based on reconstructed data, current use data not available.

Source: National Institute on Drug Abuse

Activities

1. Make a list of adolescent cultural myths associated with marijuana use (status symbol, act of defiance, enhancer of learning, sexual stimulant) and prepare a questionnaire to elicit school and community opinion about marijuana's effects. Include questions about age and educational level. As a class, discuss the findings. How do peer beliefs and pressures within certain age groups (young adolescents, eighteen-year olds, adults) affect marijuana use?

2. Study the marijuana legislation in your state. Discuss the impact legalization (or decriminalization) would have on your school community. How would a legal age-limit of eighteen affect its accessibility to minors?

3. Research the history of national marijuana legislation in the U.S. and determine how each milestone reflected the social climate and philosophy of its time. In the program, both sides identified with libertarianism yet split on this issue. Discuss the difference between laws to protect society from its citizens, and laws to protect citizens from themselves.

4. Each side cited contradictory evidence to supports its case. Compare the sources and discuss the credibility, reliability, and validity of each statistic. What impact does exaggerated past propaganda have on youth's willingness to accept current data?

5. Find out if your community has a drug abuse program and invite a speaker or a physician to discuss the physiological effects of THC. Make a chart to show how psychoactive substances are grouped and determine which are addicting and why. Discuss the difference between physical addiction and psychological dependence.

Terms in the Debate

libertarian	valium
heroin	genetics
cocaine	carcinogenic
pulmonary system	doctrines
paroquat herbicide	fatuous
Federal Bureau of Narcotics	collateral effects
chromosome	saccharin

Should the United States agree to international control of undersea mining?

In the 1970 U.N. General Assembly, the U.S. and 108 other nations supported an idea first expressed by Arvid Pardo, Malta's Ambassador to the U.N. in 1967: the "seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction . . . , as well as the resources of the area, are the common heritage of mankind." Under the former "freedom of the high seas" doctrine, anyone who could recover resources in waters beyond national jurisdiction (12 miles, or 200-miles for economic purposes) would own them. Under the common heritage concept, interpreted as denying private ownership, no nation could independently claim or exploit deep-sea resources. Later breakthroughs in the technology of undersea mining made manganese nodules on the ocean floor accessible, and many realized the U.S. may have lost the legal right to recover them. The nodules, potato-sized lumps of ore, contain the strategic minerals of manganese (95%), and smaller amounts of nickel, copper, and cobalt.

The LOS Conference

UNCLOS II, an acronym for the current U.N. Conference on the Law of the Sea which opened in 1973, is an ambitious project to establish a treaty settling many disputed areas of international law. In eight years the conference has produced agreements on territorial limits, rights of passage, fishing, and scientific research. The Group of 77, made up of approximately 120 (primarily Third World) of the 156 participating nations, has exerted its numerical superiority over the wealthier industrialized powers to demand a profit-sharing partnership in deep-sea mining efforts which are beyond the technological reach of its members.

The group's position, set forth in the Informal Composite Negotiating Text (ICNT), calls for the creation of a Seabed Authority and an Enterprise to control all aspects of mining. The Conference has failed to produce agreement on the key issues: 1) access to mine sites: whether open to individuals or governments, or open to all with technology or only a few; 2) governance of the Authority: by one nation/one vote, or by weighted means; and 3) controls over productive capacity. The Enterprise would have to turn to private sources for technology and compete in the market with land-mining producers (including some Third World nations). The Group of 77 is more interested in setting a precedent for future resource management than in realizing immediate profits. Faced with a vague but powerful Authority, the U.S. delegation, led by Ambassador Elliott Richardson rejects the ICNT.

Seabed Mining

The technology for and profitability of deep-sea mining remains questionable. Equipment is expensive, ranging to $1½ billion for each mine site. Retrieval is done by vacuuming the nodules, with a dredge head towed along the ocean floor at depths up to 15,000 feet, through a flexible pipe system connected to a surface ship. The site locations are speculative, although estimates show ten to fifteen areas within reach of technology in this century. Land supplies of manganese (essential in steel production) are sufficient for this century's needs, but future nodule mining will be necessary.

Seabed mining seems most profitable to vertically integrated corporations. Companies which mine and process the raw materials (feedstock) for their own production needs can afford to make profits "downstream" on the sale of the finished goods rather than in mining. Mining consortia are new types of business enterprises. Each consortium has a mining company (for technology), an oil company (for capital investment), and a steel company (for product consumption). The major consortia are primarily made up of American, Japanese, German, Belgian, and French business interests.

Briefing the Class

Students may need help understanding that the debate poses a moral question: what do nations with seabed mining technologies owe to the Third World? The U.S. could affirm that a new international era has begun and that access to the last great earthbound frontier should be controlled for the benefit of all. Or, the U.S. could act in its own economic interest by permitting mining in the near future. Economic redistribution is a sensitive issue that puts basic beliefs on the line by asking how much America is willing to contribute when it subtracts from its own economic well-being.

On the practical side, concessions by Western powers might lead to a more equitable, and perhaps more stable, world economic order. The possibility is real that non-cooperation could lead to economic retaliation by Third World nations. Congress wants to enact unilateral legislation, and the Administration supports this, despite the fact that such a move would endanger the real benefits in the rest of the Treaty.

Pro Arguments

1. Concessions on the mining issues are necessary to insure passage of the Law of the Sea Treaty.

Refusal to share control of seabed mining destroys incentives for other nations to conclude the Treaty's navigational, environmental, and scientific agreements.

Non-cooperation in the form of unilateral legislation or mini-treaties among industrial nations could lead to changes in diplomatic relations or economic warfare.

The U.S. has previously insisted on consensus on all issues as a basis for passage of the Treaty.

2. Fair ocean resource management requires international control.

An Authority can regulate multinational consortia which operate outside the civil and criminal jurisdiction of any one state.

An Authority can legitimize mining claims in view of the current U.N. moratorium on seabed mining.

An Authority can guarantee the business security necessary to investors.

3. It is time for a reordering of global political economies.

The oceans' resources belong to everyone.

A share in mining rights is one of the few opportunities left for economically disadvantaged nations to share in the world's diminishing resources.

Con Arguments

1. Mining provisions should be concluded separately from other Law of the Sea agreements.

The established 200 mile economic zone and customary international law can regulate seabed mining.

The articles already passed can be signed as a separate treaty and the mining issues can be settled between the nations with the technology.

The current administration and Congress now support passage of unilateral mining legislation.

2. The Authority plan discourages incentives for ocean development.

Allowing our economic competitors and political enemies to take advantage of our technology is foolhardy.

Investors have no security if a Third World-dominated Authority has control over investment resources and production.

The complex working details of the Authority and the Enterprise are unresolved.

3. International control of seabed mining works against American interests.

The contents of the sea belong to anyone.

Consuming nations cannot allow an interruption in the supply of critical resources by political instability beyond their control.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Randall Robinson
Director of TransAfrica, a foreign policy lobbying group in Washington.

Pro Witness: Ralph Ochan
International Law Attorney, former Ugandan deputy to the Law of the Sea Conference.

Pro Witness: Paul N. McCloskey
Congressman (R-California). Member of the Merchant Marine and Fisheries Committee.

Con Advocate: Lew Crampton
Senior Analyst, Arthur D. Little consulting firm.

Con Witness: Northcutt Ely
International Lawyer, Chairman of the Law of the Sea Committee, American Branch of the International Law Association.

Con Witness: John Flipse
Professor of Ocean Engineering, Texas A&M University. Founder of Deep Sea Ventures, a commercial mining enterprise.

The Debate

Pro — **Witness, Ochan**

Questioning by Robinson

Mr. Ochan feels the U.S. should agree to help poorer nations and thereby promote world peace and guarantee our rights in other countrys' waters. He states the ideal of using seabed resources to reduce the economic gap between poor and wealthy nations.

Cross Examination by Crampton

Advocate Crampton asks Ochan to specify how international control would work. The witness explains that negotiations on control and production limits are ongoing, but whatever disadvantage we suffer by an imbalance of representation, we will gain by preventing conflicts with the Third World countries.

Con — **Witness, Ely**

Questioning by Crampton

Ely gives an interpretation of common heritage which affirms the freedom of the high seas concept. He is opposed to an unworkable governmental agency controlling seabed mining which, in his view, could operate according to customary international law. He says losing the LOS Treaty over the mining issue would be regrettable, but would not make a practical difference.

Cross Examination by Robinson

Advocate Robinson asks about the commitment we have already made to the principle of common heritage. Mr. Ely suggests submitting the issues to the International Court of Justice to determine whether there is free right of access to minerals and whether a U.N. resolution can change this.

Con — **Witness, Flipse**

Questioning by Crampton

Mr. Flipse emphasizes the strategic need for the nodule minerals and the desirability of having a secure access to our own supplies. He indicates that international control over production decisions would make commercial mining impossible.

Cross Examination by Robinson

Advocate Robinson asks the witness why Congress should imperil the LOS Treaty to act unilaterally for the benefit of private mining interests. Mr. Flipse says that mining does not now look profitable by itself but companies who need the minerals would develop sites to insure supplies for their own production.

Pro — **Witness, McCloskey**

Questioning by Robinson

Representative McCloskey says international control is good for two reasons. First we should keep the friendship of Third World countries because we need the other minerals they supply. Second, we need to protect our mining ships at sea. Morally, he says we should stop using our strength to get all we can get.

Cross Examination by Crampton

Advocate Crampton questions some of the Treaty's provisions. McCloskey admits to some pessimism that the treaty as currently worded could pass the Senate. He looks for breakthroughs in areas of access, production controls, and technology transfer. But, he thinks the principle of world cooperation is important to remove some traditional causes of war.

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Activities

1. Divide the class into two groups. Have one make a list of the advantages of individual competition and the other of collective cooperation. As a class, determine the trade-offs if one or the other becomes the operating mechanism for a classroom, a manufacturing firm, or the world.

2. Ask the class to name sea resources other than minerals which could be called common heritage. Consider fish as well as water purity and the ocean's potential for farming. Extend the heritage idea to include the atmosphere, airwaves, endangered species, natural wonders. Some students could research international agreements regarding Antarctic and moon exploration. Should ownership of resources there be alloted first come first served? Should technological breakthroughs supercede previous agreements based on the inaccessibility of resources?

3. Science students may wish to research the formation of manganese nodules, mining technology, and the ecological impact of deep-sea dredging. Explore the metals' application in steel production. Draw a map indicating land mining sites for manganese, copper, cobalt, and nickel. Are there political barriers which limit access to these minerals by Western markets?

4. Discuss what kinds of responsibilities technologically advanced nations have to less-developed countries. Is world economic redistribution feasible or practical? What problems are inherent in distributing deep-sea profits within beneficiary nations?

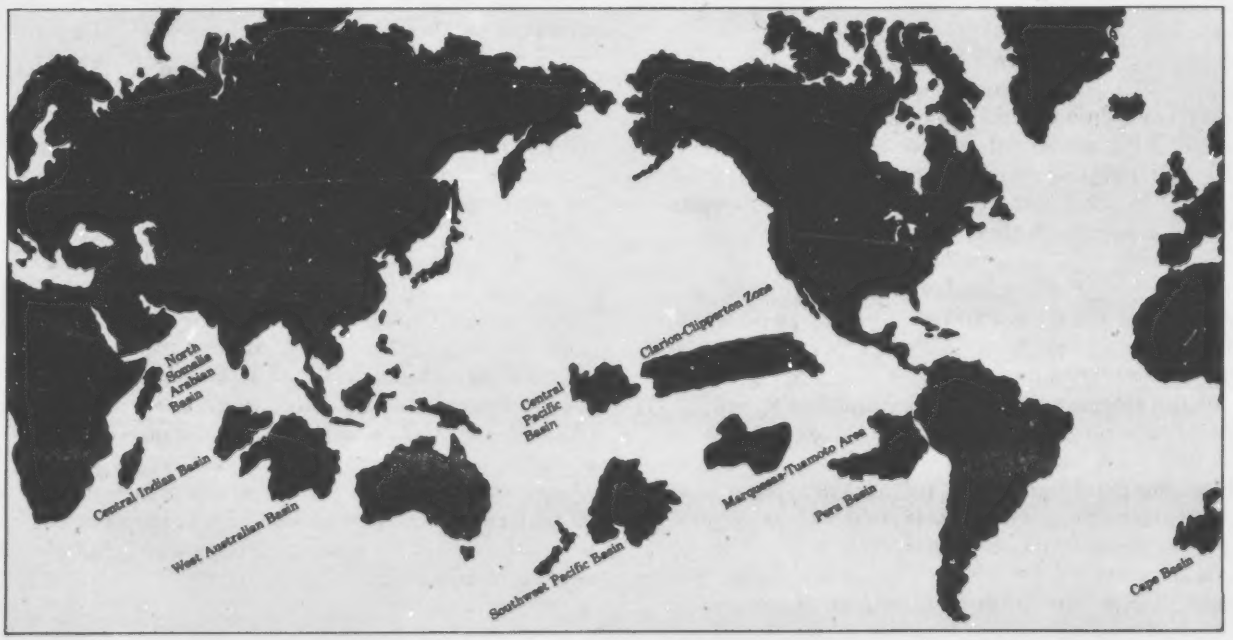
5. Role play a conference to assign rights and responsibilities determining access to U.S. beaches. Assume that beach residents claim exclusive privileges. Divide the class into groups to represent beachfront property owners, residents of landlocked states, offshore oil-drilling companies, clam fishermen, etc. Decide whether beaches are the common heritage of all Americans and assign management plans and liabilities. Should beach residents have more voice in the management than non-swimmers? Would an oil spill clean-up be the company's or all petroleum users' shared responsibility? Should a portion of each fisherman's "catch" be used to feed the poor?

Terms in the Debate

International Court of Justice (World Court)

colonialism	OPEC	majoritarian
conflagration	anti-trust	pre-emptive rights
imperialism	prodigious	hyperbole
cartel	chromium	onerous

Manganese Nodule Resource Area



From *"Manganese Nodule Resources and Mine Site Availability,"* Department of the Interior, Ocean Mining Administration, August, 1976

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Should the Federal Trade Commission ban advertising on children's television?

Background

In 1978, the Federal Trade Commission (FTC) proposed rules for the regulation of television advertising directed at children. Congress had empowered the FTC (in the Federal Trade Act of 1914) to make rules to "prevent unfair methods of competition in commerce." It also gave the FTC special powers to make regulations to curb "unfair and deceptive" advertising. Another agency, the Federal Communications Commission (FCC) makes the rules which ensure that the broadcast media operates in "the public interest".

As a result of action taken both by the FTC and the FCC, advertisers are not allowed to sell various products on television. For example, hard liquor advertisements are banned. (Congress itself banned the advertisement of cigarettes in 1971). Another FTC ruling prohibits, as unfair and deceptive, the advertising of vitamins to children on the basis that children cannot make informed judgments as to whether or not they need vitamins.

Children's Viewing Habits

The influence television has on children is enormous. The attention-getting devices of advertising are so potent that producers design educational programs like "Sesame Street" and "The Electric Company" to resemble commercials in order to effectively convey messages to young audiences.

Estimates show that the typical two- to six-year old child watches thirty-three hours of television a week. Many children spend more time watching television than doing any other activity besides sleeping. In fact, many children spend more time watching television than attending school. Based on a rate of 9½ minutes per hour on weekend mornings and 12 minutes per hour weekdays after school, the typical child watches over 20,000 advertisements a year. Over half of the commercials children see are for candy, sweet cereals, and other sugared products, many containing 40-60% sugar.

A principal health concern is the link between sugar and widespread tooth decay in the United States. Tooth decay seems to result more from the way sugar is eaten than from the amount consumed. The greatest threat comes from repeated between-meal snacking with foods that stick to the teeth or are held in the mouth. Much advertising aimed at children specifically promotes stickiness, chewiness, or the suitability of a food for between-meal eating as desirable.

FTC Proposals

The FTC's three recommendations would: 1) ban all advertising directed to children under the age of eight; 2) ban advertisements for sugared products to children under the age of twelve; and 3) require that advertisements of sugared food products aimed at children older than twelve be balanced by health and nutritional announcements paid for by advertisers.

During 1979, the FTC initiated a required series of investigations, reviews, and public hearings before enacting the rules into law. The discussions have left three areas of unresolved dispute. Disagreement lingers over whether two- to eleven-year olds can distinguish between programs and advertisements well enough to recognize commercial intent and whether children that age can defend themselves against the influence of the sales message. Also controversial are the health effects of the sugared food products.

The current proposed bans go further and are more complicated than any prior limitations on speech made by the FTC or the FCC. The bans raise questions about advertisers' First Amendment rights and question the notion of government intervention in parent-child relationships. A half-billion dollar a year business is at stake. Broadcasters and advertisers are rallying to confront the consumer interest groups which have worked for years to frame restrictions.

Briefing the Class

Make the class aware that the program looks at the issues raised by the first two bans proposed by the FTC but does not specifically address the rule on counter-commercials (see Background). The propriety of government censorship of advertising for foods it considers harmful raises debatable questions about how much regulation is tolerable, or more importantly, constitutional, in view of First Amendment rights of free speech. Teachers should review this Bill of Rights guarantee, as well as the congressionally granted regulatory powers of agencies to clarify the conflicts for the class before viewing.

The debate illustrates that the issue is an emotional one. Teachers might indicate how the safety of children and the defense of free speech produce strong rhetoric on both sides. Help students separate the emotional from the rational arguments.

Pro Arguments

1. Advertising to children is unfair and deceptive.

The advertisements are unfair because children are susceptible and defenseless against persuasive sales pitches.

Advertisements for sugared products are deceptive because they fail to reveal facts about health hazards.

2. Advertising directed at children is harmful to them.

Advertisers exert their energies and spend millions of dollars on a behavior modification program to adversely alter children's buying and eating habits.

The advertisements increase children's desire for sugared food products which increase the likelihood of tooth decay.

3. Banning certain advertising is a proper government function.

Television is a pervasive medium that requires special regulation.

The Constitution does not grant an absolute right to all speech if that speech violates other individual rights (e.g., yelling "Fire!" in a crowded theater violates rights to health and safety).

Children are a protected group in our society and should be shielded from harmful influences.

Con Arguments

1. Children's advertising is neither unfair nor deceptive.

Children can tell the difference between programs and commercials and are influenced more by parent and peer purchasing/eating habits than by the ads.

Children do not eat sugar because of advertisements, as apparent from the data on sugar consumption in countries without television commercials (Sweden, U.S.S.R.).

2. Advertising to children does not harm them.

The parents purchase the toys and food products, not the children, so it is parents who should establish controls, not the government.

There are no clear connections between sugar and health danger as there are for alcohol and cigarettes.

3. Banning advertisements is poor public policy.

The rules would force the FTC continually to decide what is harmful and which advertisements to censor.

The bans erode First Amendment rights by allowing greater government regulation of television than of other media.

There is no basis for banning commercials for food which are acceptable to the Food and Drug Administration, or for toys which are approved as safe.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Nicholas Johnson
President of the National Citizens Committee for Broadcasting. Former FCC Commissioner in the Johnson administration (1969-70).

Pro Witness: Tracy A. Westen
Deputy Director of the Bureau of Consumer Protection, Federal Trade Commission. Professor of Communications Law, UCLA.

Pro Witness: Joan Gussow
Professor of Nutrition, Columbia University, New York. A prominent nutrition educator, former member of the FTC Children's Advertising Project.

Con Advocate: Edwin Diamond
Media analyst and critic, Director of the News Study Group, which monitors media, at the Massachusetts Institute of Technology.

Con Witness: Richard Jencks
Media Consultant and attorney. Former President of the CBS Broadcast Group.

Con Witness: Lee Loevinger
Former FCC Commissioner (1963-68). Attorney and author in the fields of law, economics, anti-trust, and communications.

The Debate

Pro — **Witness, Westen**

Questioning by Johnson

Westen reviews the function of the FTC in regulating deceptive advertising and in particular, its role in protecting children who, he says, can't tell the difference between programs and commercials.

Cross Examination by Diamond

Advocate Diamond asserts children aren't taken in by ads; that it is parents who purchase the products. Westen points to studies saying that children influence what parents buy. He says the FTC has ruled that ads to children are deceptive by definition and must be controlled.

Pro — **Witness, Gussow**

Questioning by Johnson

Gussow says that sugared products cause tooth decay and that children are too young to understand the hazard when they see advertisements. She points to studies which document universal concern about what children eat and the inability of parents to control eating habits.

Cross Examination by Diamond

Advocate Diamond suggests that advertising bans on sugar will lead to bans on foods containing other dangers — cholesterol and salt. Gussow emphasizes that the FTC rules only prevent deceptive advertising to children and, when they are old enough to make judgments, expose children to both sides of the issue.

Con — **Witness, Jencks**

Questioning by Diamond

Advocate Diamond wants the government to deal with the products, not censor the advertising. Jencks testifies that ads will continue to reach children outside the weekend morning children's TV schedule or by other media. He warns against banning whole product categories to entire age groups.

Cross Examination by Johnson

Advocate Johnson tries to get the witness to admit young children can't tell the difference between program content and ads. Jencks doubts the confusion but suggests that educating children to watch less television will diminish the impact of ads. Drawing an analogy with bans on TV advertising of cigarettes, they disagree whether consumption patterns change when advertising switches to other mediums.

Con — **Witness, Loevinger**

Questioning by Diamond

Mr. Loevinger makes the point that 85% of children's viewing is of non-children's programming, over which the rules have no control. He asserts that controlling advertising will control and degrade program content. He admits to a connection between sugar and tooth cavities but denies one between TV viewing and tooth decay.

Cross Examination by Johnson

Advocate Johnson raises the issue of the fairness of spending huge sums of money to deceptively persuade young children to eat a cereal. Loevinger insists children must look to parents for guidance, not the government.

Food Commercials

Barnes, F. Earle. *Commercial Children's Television on Weekends & Weekday Afternoons.*

Product	Number of Commercials	Percent of Total Commercials	Percent of Foods
Sugared cereals	108	10.6%	32.8%
Candy bars, packaged candies	66	6.5	20.1
Eating places	56	5.5	17.0
Unsugared cereals	23	2.2	7.0
Cakes and cookies	15	1.5	4.6
Canned and prepared foods	14	1.4	4.3
Chewing gum (sugar)	11	1.1	3.4
Bread	6	0.6	1.8
Meats	5	0.5	1.5
Other candies/sweets	5	0.5	1.5
Ice cream, puddings, desserts	4	0.4	1.2
Soft drinks (sugared)	4	0.4	1.2
Grocery stores, markets	3	0.3	0.9
Snacks	3	0.3	0.9
Chewing gum (sugarless)	2	0.2	0.6
Fruity drinks	2	0.2	0.6
Juice drinks	1	0.1	0.3
Milk and dairy products	1	0.1	0.3
Totals	329	32.2%	100.0%

Findings based on an October, 1977, analysis of 61½ hours of Saturday and Sunday mornings on three network affiliates and three independent stations in Boston, and of weekdays after school on three independent stations throughout the U.S.

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Activities

1. Have each student view three commercials directed at younger children and describe each advertisement including: plot, characters, music, who is doing the selling, and which words are repeated. What messages are conveyed to the children? Decide which desires and fears of children the advertisements assume, and why the child would want to buy the product.

2. Dr. Jean Mayer, a renowned nutritionist, has said the amount of money spent on advertising a food product is inversely related to the nutritional value of that food. Research whether this statement is true by asking store owners which cereals sell best, by observing which are advertised on TV and in stores, and by reading the nutritional information on each cereal box.

3. Discuss how these governmental regulations might affect older children. Consider whether the bans could lead to rules to protect young people from advertisements selling fast cars and motorcycles. Are students willing to sacrifice free speech to protect three-year olds but not teenagers? At what age are children capable of independent evaluation or decision making? Do advertisements influence, for example, *whether* teenagers smoke or *which brand* they smoke?

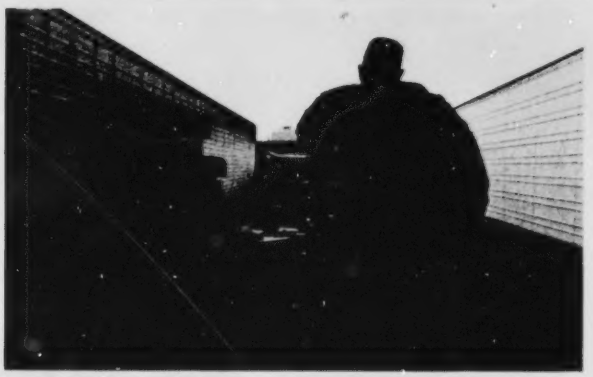
4. Divide the class into small "advertising agency" groups to sell "Frootles," a new candy-coated fruit snack. Each group should compete to design a 30-second advertisement and sketch visual displays or characters to create a demand for their product. Have a general class discussion comparing each group's techniques and the attitudes it displays toward children. Some groups might write a paper denying that their commercials are unfair or deceptive.

5. Ask students to discuss what they consider a snack. Where did they "learn" this? Who eats "junk food"? Are students' eating habits influenced by their peers? their parents? school nutritional education? television advertising? Can they remember how they were influenced as small children?

Terms in the Debate

cholesterol
dental carries
point-of-sale advertising
special interest groups
sodium
hypothetical
intrusive
ipso facto
saccharin
litigation
per capita consumption
brand preference

Should Congress deregulate trucking?



Background

The trucking industry is currently a $108 billion-a-year business moving three-quarters of the nation's freight. As the largest private industry employer in the U.S. economy, the estimated 116,000 companies engage over nine million people. Since Congress passed the 1935 Motor Carrier Act, all truckers serving interstate routes have fallen under the jurisdiction of the Interstate Commerce Commission (ICC) for regulation of routes, rates, mergers, and entry into the business.

ICC regulated carriers include: general freight (or common) carriers which haul packaged freight, usually in less-than-truckload amounts; and specialized carriers which transport truckload quantities of such commodities as steel, oil, and automobiles. Carriers not regulated by the ICC include: exempt carriers who contract with a maximum of seven shippers to carry their goods; private carriers, major companies such as Montgomery Ward which haul their own merchandise; independent truckers, who own and operate their own trucks; and intrastate carriers who move freight exclusively within one state.

Freight Rates

Statistics show that regulated carriers, which comprise 13% of the companies (about 16,000) in the industry, carry 40% of all freight and earn 66% of the industry's revenues. This segment of the industry has collective ratemaking powers granted by the Reed-Bulwinkle Act (1948). Originally, Congress placed ratemaking in the hands of trucking trade organizations to protect the fledgling industry from the demands of large shippers for cut-rates. Anti-trust laws require most other companies in the U.S. to establish their prices individually to insure competitive pricing. Price-fixing, or acting together to set prices, is a criminal offense.

Carriers establish rates at ten regional rate bureaus. Immune from prosecution and without incentives to keep prices low, carriers can set artificially high rates to insure their profits. In theory, the ICC reviews the rate proposals but, in practice, it exercises minimal oversight. In 1978, the ICC received 282,446 rate proposals. It suspended 441 (.2%) for further study, and rejected 2,217 (.8%).

To insure that smaller communities on less profitable trucking routes receive adequate service, the ICC approves route authorities (or certificates) which the regional rate bureaus propose. Once the ICC grants a carrier a specific route, however, the company may service the route itself, sell or lease it to another company, or subcontract work along that route to other truckers. Rate bureaus have the power to control route allocation proposals in such a way as to curb competition.

The ICC also controls entry into the interstate trucking industry. The rules, which require candidates to demonstrate the need for a new or extended service, tend to protect the status quo. Until recently, the ICC kept entries to a minimum, thereby limiting the number of companies competing for routes. Under Chairman Daniel O'Neil, the ICC has reversed this practice and the agency has been approving 98% of all applications.

Costs in the trucking industry are hard to establish, but the bulk (60%) is paid in labor wages. Under the present system, there is little pressure on trucking managers to drive a hard bargain with the drivers' union, the Teamsters, because the companies can adjust rates to automatically absorb the increases.

Testimony heard by the Senate Subcommittee on Antitrust and Monopoly since 1977 suggests that ICC regulations have discouraged competition and kept freight rates unnecessarily high. Senator Edward Kennedy (D-Massachusetts) has proposed legislation to repeal the Reed-Bulwinkle Act and restore competition to the industry. The threat of a major trucking strike makes careful construction of any plan involving the trucking industry a political necessity.

Briefing the Class

Pressure to deregulate the trucking industry has been mounting for almost twenty years. On a policy level, the debate concerns whether or not trucking service will improve with deregulation. The discussion focuses on the two areas most under attack; the nature of rate-setting, and the rules for entry into the industry. The Teamsters and the truckers are united in opposing any efforts to open the industry to more competition.

The students may need help understanding the parallels between the recent successful deregulation of the airlines and the proposed deregulation of the trucking industry. When the Civil Aeronautics Board (CAB) deregulated airline fares in 1978, ticket prices dropped to competitive levels, demand jumped, and sales and revenues increased. Both the consumer and the industry benefited. Freight traffic, however, depends on the state of the economy and product demand, rather than on freight rate-levels. Consumer savings from deregulation, if any, are most likely to come from the bankruptcies of inefficient carriers and from lower labor wages.

Pro Arguments

1. Deregulation of interstate trucking is overdue.

The giant trucking industry no longer needs protection by restricting competition.

ICC rules give a few companies most of the business and profits.

Relaxed rules of entry will provide shippers with a choice between competing carriers and result in lower freight costs.

2. More competition will improve the trucking industry.

Competition will encourage innovations.

Competitive pricing will end the practice of competing for business with gifts and benefits to shippers, and pass the savings on to consumers.

The non-regulated truckers have shown that rates (often 5-10% lower) and service are responsive to market demands.

3. Isolated communities and small shippers will continue to receive the service they need.

The free-enterprise system will produce carrier service to small communities more economically and profitably than with regulation.

Improved rules of entry will supply small markets with a range of service.

Con Arguments

1. Regulation protects the critical interstate industry from cut-throat competition.

Reliable, uninterrupted service is essential to the economy.

Trucking is like a public utility and needs regulation to insure universal service.

The limited volume of freight necessitates limiting entry because more carriers will not create more shipping.

2. The present system provides a healthy shipping industry.

The U.S. trucking industry is the most efficient in the world.

With fixed-rates, carriers can compete to provide better service to shippers.

Regulated trucking rates are a bargain since, from 1972-77, they rose less than the consumer price index. (41% v. 64%)

3. Deregulation will bring chaos and the isolation of smaller communities.

The ICC could no longer assure that common carriers would haul all freight from all shippers on set routes at standard prices.

Small communities on uneconomical routes will pay high rates or service may stop completely.

Debaters

Moderator: Michael Dukakis

Pro Advocate: Barney Frank
Massachusetts State Representative (D-Boston).

Pro Witness: Edward M. Kennedy
Senator (D-Massachusetts), Chairman of the Senate Judiciary Committee.

Pro Witness: Leaman McCoy
President of True Transport, Inc., Newark, New Jersey, a non-regulated trucker.

Pro Witness: James C. Miller III
Co-director, Center for the Study of Government Regulation, American Enterprise Institute for Public Policy Research.

Con Advocate: Lisle Baker
Law Professor, Suffolk University Law School, Boston

Con Witness: Daniel Sweeney
Attorney, representing shipper and consumer interests before the Interstate Commerce Commission.

Con Witness: Arthur E. Imperatore
President, APA Transport Corporation, a regulated carrier.

The Debate

Pro — **Witness, Kennedy**

Questioning by Frank

Senator Kennedy explains why he is leading a Congressional review of trucking industry price-fixing and rules-of-entry restrictions. He wants to apply competitive principles to all truckers and eliminate high shipping costs passed on to consumers.

Cross Examination by Baker

Advocate Baker compares a recent percentage shipping rate increase to the rise in the Consumer Price Index and disputes the inflationary impact of rate-setting. Senator Kennedy maintains that where competition works, rates are held down. He adds that regulated common carriers are deficient in service to small markets because supervision by the ICC is too lax.

Pro — **Witness, McCoy**

Questioning by Frank

Advocate Frank asks about the extra costs created by regulation. McCoy shows that ICC regulations force him to move empty trucks on return trips (back hauls) wasting fuel and costing unnecessary labor dollars. He explains that the ICC rules permit big companies to resist efforts of small companies to expand business.

Cross Examination by Baker

Advocate Baker suggests with limited freight volume, the problem of empty returns exists for regulated general freight carriers as well. McCoy insists there is freight to haul on return trips but, according to the rules, only licensed carriers can take it.

Con — **Witness, Sweeney**

Questioning by Baker

Sweeney applauds the record of the ICC in restraining inflation by keeping regulated shipping costs down. He believes that competition would economically hit small companies, concentrating business with large firms.

Cross Examination by Frank

Advocate Frank and the witness agree the ICC's record is only recently improved. He questions whether it justifies preserving rate-making. Sweeney holds that ICC review has allowed rate changes but has suspended applications for major general increases. He defends entry limits because of the limited volume of freight.

Con — **Witness, Imperatore**

Questioning by Baker

Imperatore defends the practice of non-discriminatory pricing and availability of service to all shippers. He seems to suggest that after deregulation, some service adjustments would occur based on the efficiency and productivity of certain operations.

Cross Examination by Frank

Advocate Frank asks what a well-run trucking business has to fear from deregulation. Imperatore maintains unbridled competition would fragment the workload and increase the unit price of doing business. He grants that enjoying limited-entry obligates truckers to serve small communities.

Pro — **Witness, Miller**

Questioning by Frank

Advocate Frank asks for comment on freight rate increases compared to the rate of inflation. Mr. Miller draws a parallel with airline deregulation which suggests rates increase less and industry growth increases more unregulated.

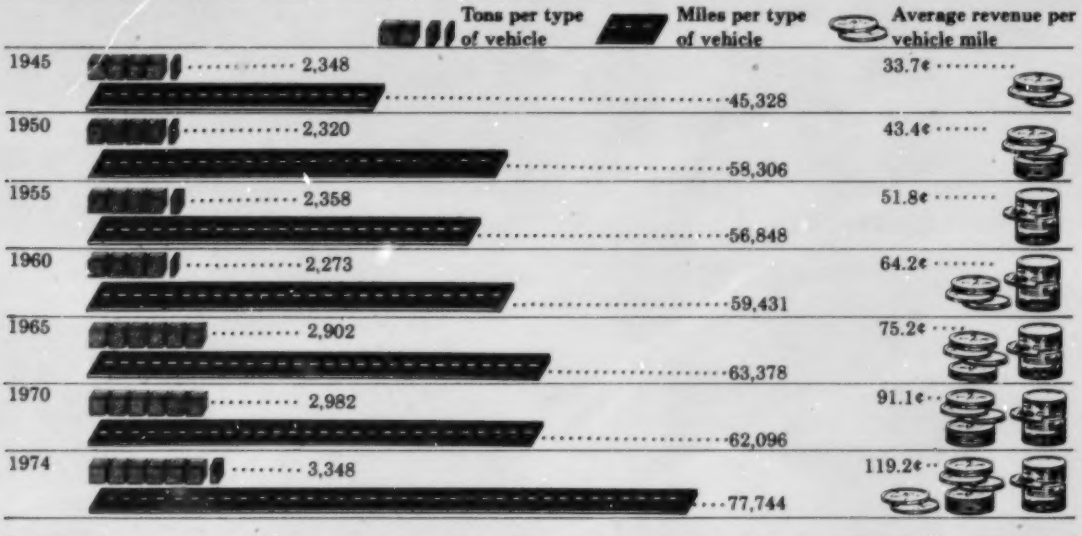
Cross Examination by Baker

Advocate Baker asks whether big shippers would be able to force small competitors out of business by demanding low freight rates on large volume deals. Mr. Miller maintains that rates will be relevant to costs.

Annual Intercity Service for Class I Carriers

Class I carriers are companies with earnings in excess of $3 million annually.

Source: Interstate Commerce Commission, Transport Statistics of the United States



Activities

1. Ask the class to think about the elements necessary for a competitive business and list the advantages and disadvantages of competition. How does competition operate within a regulated industry? For instance, how do savings and loan banks attract deposits, or how did the airlines attract business before deregulation?

2. Discuss the effect of fixed rates on consumers. Ask some volunteers to call several moving companies (large interstate carriers and small local businesses) to get cost estimates for shipping identical household items to a destination within the state. Compare the rates, considering all services such as packing and insurance.

3. Discuss the students' consumer dependence on shipping. Ask them to examine the origin of their clothing, school supplies, and breakfast foods and suggest how those goods arrived at the stores.

4. The 1930's saw the institution of federal regulation in the banking, securities, communications, and transportation industries. Research the historical reasons for each set of regulations, and discuss the regulatory role of government in a free enterprise system. What is the interrelation between Congress and regulatory agencies and to whom do agencies owe accountability? View *The Advocates In Brief,* "Should the Federal Trade Commission ban advertising on children's television?" for additional debate on agency powers.

5. Research the break-up of collective ratemaking of the railroads in 1945 (Georgia v. Pennsylvania R.R. Co., 324 U.S. 429) and the passage of the Reed-Bulwinkle Act. Study the reasons for the decline of the railroads and the growth of the trucking industry to determine whether regulation outlives its usefulness. What effect does current regulation have on competition between railroads, air freight companies, and truckers?

6. Using the statistics provided in the guide, have the students calculate the revenues earned per vehicle for the years 1945, 1970, and 1974. What is the change (difference) between the periods 1945-1970 and 1970-1974? Calculate the average annual income for each period. Ask the students to propose reasons for the average annual increase in revenues per vehicle being so much higher for the latter period? Suggest inflation, the higher cost of fuel passed on to the consumer, higher utilization (tonnage).

Terms in the Debate

wholesale price index	entrepreneur
consumer price index	aggregation
lucrative	cross-subsidization
inflation	unit price
steamship containers	unbridled

Should the United States encourage withdrawal of investment from South Africa to promote political change?

South Africa is a multiracial country located at the southern tip of the continent. Its population of 26 million traditionally has been grouped into four categories; African (71%), white (17%), coloured, meaning racially mixed (9%), and Asian, mostly Indian (3%). Segregation and white supremacy have been customary since the extensive settlement of Dutch, English, French, and German colonists in the nineteenth century.

Apartheid

Apartheid (from the Africaan's word for apartness) became law when the Afrikaner Nationalist Party came to power in 1948 and has since become an all-encompassing political policy of racially separate development. The white minority government has granted fourteen percent of the land in South Africa to black Africans as homelands, or Bantustans. For the most part, these lands are the poorest in the country and have no industry. Within these homelands, Africans enjoy political rights and freedom. Outside, they are aliens with severely restricted civil rights. The South African government denies blacks voting rights, subjects them to imprisonment without trial, and forbids ownership of land and interracial marriage.

Black Africans are told where to live and work as well as what categories of work they may do. In 1975, black workers earned one-fifth to one-sixth the wage of comparable white workers. In an effort to counteract South Africa's economic recession, the government has been raising the wage levels of black workers and is training them for skilled jobs. Despite considerable resistance from white labor unions, the government has finally given official recognition to black labor unions.

Economic Picture

Foreign investment is a significant element in the South African economy, comprising about 20 percent of the total value of all private investment. The U.S. is the second largest investor, after Great Britain, with 17% of the total. The U.S. also contributes one third of South Africa's international credit. Approximately 360 American companies have subsidiary operations in South Africa employing 70,000 African workers (about 1% of the African work force). The U.S. companies control 43% of the petroleum market, 23% of the auto sales, and 70% of the computer business.

Socially conscious shareholders, especially institutional investors such as universities, have pressured American corporations who do business in South Africa in an effort to encourage social change. Two frequently mentioned actions are [illegible] and withdrawal of investment. The first, also called disinvestment, simple involves selling the stock of companies which do business in South Africa. The second involves selling a company's assets in South Africa, a more complicated process. The South African government allows companies to take profits out of the country, but requires the reinvestment of money from the sale of capital investment (plant machinery, buildings) in low-yield South African securities for several years.

The reluctance of corporations to forfeit their investments by pulling out of South Africa and the pressure to justify their presence in the repressive country has led ninety-eight corporations to adopt a policy of corporate labor practice called the Sullivan Code. The code was drawn up under the direction of Rev. Leon Sullivan, a member of the board of directors of General Motors. The plan calls for desegregation of the work place, equal pay and employment practices for all employees, training for upward mobility, placement of non-whites in technical and supervisory positions, and improvement in the quality of employees' lives outside the work environment in such areas as housing, transportation, schooling, recreation, and health facilities. The South African government has agreed to let the American corporations institute the Sullivan Code.

Briefing the Class

Remind students that criticism of South Africa's system of apartheid is universal. Both advocates agree that apartheid is morally bankrupt, but they disagree on the most effective course of action to influence social change.

Before viewing the program, teachers should brief the class on events in South Africa which have focused world attention on the political situation there. Changes in the leadership of southern African nations have left only South Africa governed by a white minority regime. Student riots in Soweto, news censorship, and the death while in police custody of Stephen Biko have forced a re-examination of U.S. policy.

The U.S. voted with the U.N. Security Council in 1977 for a mandatory arms embargo, and the White House has taken a stand on human rights violations. Students have demonstrated in protest of American investment, and Congress has considered legislation affecting our economic ties with the country. Today, however, there is little indication that South Africa is on its way to becoming a racially integrated society.

Pro Arguments

1. U.S. economic investment in South Africa supports the policy of apartheid.

American investment strengthens the economic and military self-sufficiency of the white minority regime.

U.S. corporations can only operate within the law, which means according to the system of apartheid.

2. U.S. involvement in South Africa hurts us domestically and internationally.

Complicity in South Africa is inconsistent with the U.S. position on human rights.

It strains our relations with other African nations who view us as unsympathetic to black national movements.

The U.S. is perpetuating an unstable situation where violent confrontation between blacks and whites is inevitable.

3. Disinvestment in South Africa will help black Africans.

South Africa needs U.S. financial and diplomatic support and will respond to economic pressure for internal change.

Quiet diplomacy and continued investment have failed to significantly change the lives of non-whites.

Con Arguments

1. Limiting investments in South Africa will discourage change.

Economic and diplomatic isolation of South Africa will result in more restrictive measures against non-whites.

The presence of American companies helps blacks improve their living standards and develop a political base.

Limiting U.S. investments will simply drive South Africa to other investment sources.

2. Economic sanctions will hurt the U.S. strategically and economically.

The U.S. needs a strong anti-communist ally in the region.

U.S. industry relies upon certain critical materials that South Africa provides.

Withdrawing investments will lead to greater instability in Africa overall and lessen our ability to effect peaceful change.

3. The U.S. should pursue a stabilizing policy in South Africa.

American companies could enforce civil rights standards and equal employment opportunity in return for our investment.

Economic involvement will allow a continuing dialogue with the South African government.

Debaters

Moderator: Michael Harrington

Pro Advocate: Randall Robinson
Director of TransAfrica. Former Ford Foundation Fellow, Tanzania.

Pro Witness: Dennis Brutus
South African-born poet. Professor of English, Northwestern University.

Pro Witness: Jennifer Davis
South African-born economist, American Committee on Africa. Editor, *Southern Africa* magazine.

Con Advocate: Roger Fisher
Professor of International Law, Harvard University.

Con Witness: Chester Crocker
Director, African Studies, Professor of International Relations, Georgetown University.

Con Witness: Alex Boraine
Member, of the opposition Progressive Federal Party, South African Parliament. Formerly head of South African Methodist Church with the largest black membership in South Africa.

The Debate

Pro — **Witness, Brutus**

Questioning by Robinson

Brutus describes a situation where U.S. businesses help apartheid by keeping the government in power. He calls recent improvements in hiring and wages at U.S. companies cosmetic and warns of the danger of the U.S. identifying itself as an enemy of African aspirations.

Cross Examination by Fisher

Advocate Fisher agrees in condemning apartheid but disagrees on a strategy for change. He asks if U.S. involvement can shape a more equitable future for blacks. Brutus contends that an end to U.S. corporate participation and financial support for the South African government is the way to help the black majority.

Pro — **Witness, Davis**

Questioning by Robinson

Davis explains the importance of foreign investment to the economic stability of South Africa. Asked if corporations can act as a force for change, Davis denies that businesses operating lawfully within a system of legally sanctioned discrimination can effect major social or political change.

Cross Examination by Fisher

Advocate Fisher explores withdrawal, and the re-investment of capital in South African bonds, versus continued presence and the development of an economic base for black political power. Davis insists business would find ways of taking capital out of the country and that blacks in South Africa are politically capable of leading themselves toward revolutionary change.

Con — **Witness, Crocker**

Questioning by Fisher

Crocker says U.S. business has a good record for expanding economic opportunities for blacks. He disagrees with Ms. Davis, claiming that reducing investments would have minimal effect on South Africa's self-sufficient economy.

Cross Examination by Robinson

Advocate Robinson asks why the same corporations who resist fair employment in this country will do better in South Africa. Crocker argues that any change, however marginal, is better than turning a back on the situation.

Con — **Witness, Boraine**

Questioning by Fisher

Advocate Fisher asks which corporate practices can improve blacks' political power. Boraine emphasizes the need for trade union rights and collective bargaining as a means toward social justice. He urges economic power as the way to radical and peaceful change.

Cross Examination by Robinson

Advocate Robinson questions the witness' credibility due to his election in a country which does not allow blacks to vote. Boraine holds the position that black and white South Africans must decide themselves how to equalize political participation. He believes the rest of the world can have a minor effect.

Activities

1. Compare and contrast the Africans' experience in South Africa with the blacks' or the American Indians' experience in the U.S.

2. Identify several major corporations who do business in South Africa. Divide the class into groups to investigate each company's investment, the market for its products, and the wages it pays to white and non-white workers. Ask whether it subscribes to the Sullivan Code. Compile the information to discuss whether those companies' presence in South Africa helps to improve the social condition of blacks.

3. Before viewing, have the class research the historical reasons for white minority rule in South Africa. Study the immigration pattern of both Europeans and non-whites. Review the development of the South African economy and its mineral wealth to understand why the white minority resists relinquishing control of the government.

4. Have a few students research the evolution of black rule in all of southern Africa. Decide if each country's transition was gradual, peaceful, or violent. What effect did a colonial power or world opinion have on the change? Make some comparisons between events in South Africa and its neighboring countries.

5. Discuss the effect world opinion and action has on South Africa's attitudes. Consider arms embargos, boycotts of South African sports teams, and trade restrictions. Are there conflicts between the world's moral goals and its economic behavior? Which black African states also depend on trade relations with South Africa?

6. Study the propaganda battle waged on both sides of the issue. Write for South Africa's public relations material to see what South Africans say about themselves. Read indigenous plays, articles, and other literature to identify the groups, both white and black, who are the source of the discontent. Which groups in the U.S. are involved in the protest? Discuss whether South African society could exist if the government loosened its control over the media.

Southern Africa

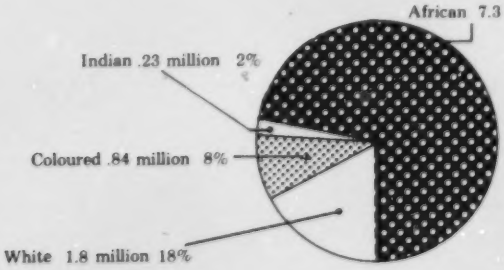
Terms in the Debate

totalitarian
human rights
shackles
aspirations
dividends
moral posture
expatriate

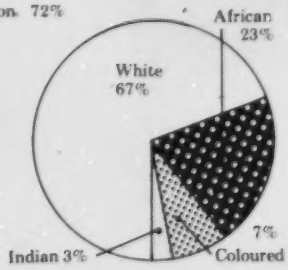
Income and Employment

Source: *Financial Mail*, South African financial journal.

Workforce, 1976:



Distribution of Income, 1976:



Should there be a constitutional amendment requiring a balanced federal budget?

Background

Since 1975, twenty-eight states have passed resolutions calling upon the Congress either to draw up a constitutional amendment requiring the federal government to balance the budget or to call a constitutional convention for the express and exclusive purpose of drafting one. If six more states pass such resolutions, the Congress will have to act.

Until the 1930's, balanced budgets (keeping taxes and expenditures equivalent) were the target of federal fiscal policy and budget surpluses were far more common than deficits. By the 1960's, deficits were the norm. Since 1960, the budget has shown one surplus, in 1969. The deficits in 1975 and 1976 reached record levels, $45.1 and $69.4 billion. As of December 1978, the national debt stood at $797.7 billion.

Deficit Spending

The government creates a deficit by spending more money than it earns. To make up the difference between tax income and federal expenditures, the Federal Reserve System (Fed) either borrows money by selling bonds which become due many years later, or it expands the money supply by "monetizing" the debt. To monetize, the Fed purchases treasury securities and pays for them either by increasing the reserves available to banks or by printing federal reserve notes (money).

Keynesian economists consider deficit spending a good way to stimulate the economy. During the Depression, the federal government for the first time deliberately created deficits by increasing spending for social and public works programs and reducing taxes to stimulate private buying power. Several opposing schools of economic thought are at odds with Keynesian theory on the total effect of deficit spending on the economy and its relationship to inflation.

Balance-the-Budget Movement

The movement is a grassroots, nonpartisan one that breaks the mold. Republicans and Democrats have both introduced proposals seeking a balance-the-budget amendment in virtually every Congress since 1965. The current drive to have the state legislatures force Congress to propose such an amendment began in 1975 when Maryland State Senator James Clark, Jr., (D) pushed through the Maryland legislature the model of the resolutions to come. The Maryland resolution called upon the Congress or a constitutional convention to prepare and submit to the states for ratification an amendment requiring that federal spending not exceed revenues. The legislation asked for an emergency clause which would allow Congress to run deficits in response to a national emergency. Proponents want the amendment kept simple, excluding details such as what would be required of a balanced budget and how to determine an emergency. The body drafting the amendment is expected to solve all the technical details. Three-quarters of the states (38) must ratify any constitutional amendment which the Congress or a convention proposes.

The Maryland resolution called upon other state legislatures to take similar measures to force Congress' hand. Support for the movement comes from the fact that most states require their own budgets to balance and rarely run deficits. States do, however, balance their budgets with federal state-aid monies, which adds to the federal debt. Different accounting systems can affect the apparent size of a deficit. Some say if the Federal budget were calculated by states' accounting procedures, it would show a small surplus.

Briefing the Class

The debate concentrates on the broad issues of whether Congress should balance the budget except in emergencies and whether the requirement should be in the Constitution. Students can increase their understanding of this debate, however, with some knowledge of deficit financing and spending as well as a short introduction to the economic theory of John Maynard Keynes.

There are no proposals to force a balanced budget by the only alternative — legislation. Those who favor forcing balanced budgets believe history shows that Congress will not do so until compelled. The opposition falls into three groups: 1) those who argue the matter is inappropriate to the Constitution; 2) those who argue that we need to create and use deficits to manage the national economy; and 3) those who think that the real problem is increased government spending, not deficits.

Pro Arguments

1. A balanced budget will yield a healthier economy by relieving inflation and unemployment.

Deficits are financed by government borrowing which crowds out private investment, jobs, and "real" growth.

Deficits financed by expanding the money supply faster than the growth in resources result in inflation.

The growing interest paid on the national debt is a burden to future generations.

2. The federal government can balance the budget.

Politicians hide real costs in deficits to avoid politically unpopular tax decisions.

If states and local governments balance their budgets out of necessity, so can the federal government.

3. Balanced budgets should be a constitutional requirement.

The public favors it by 81%.

Recent history has shown Congress will not balance the budget on its own.

Con Arguments

1. Congress can only maintain a healthy economy with the capacity for flexible fiscal management.

Deficits are needed as tools to stimulate the economy during recession.

The growth in the national debt is in keeping with the growth in the economy.

There is no proved correlation between deficits and inflation.

2. A balanced budget is unfeasible.

Congress cannot estimate revenues and costs exactly so it cannot achieve a yearly balanced budget.

The states say they want an end to deficits, yet welcome federal state-aid funds.

3. Fiscal policy does not belong in the Constitution.

The Constitution specifically charges Congress with the responsibility for economic decisions.

The amendment would only lead to legalistic evasions and creative definitions to continue the debt.

Debaters

Moderator: Michael Dukakis

Pro Advocate: Avi Nelson
Radio and television commentator.
Pro Witness: Edmund G. Brown, Jr.
Governor of California.
Pro Witness: Charles Baird
Department of Economics, California State University.

Pro Witness: James McClure
Senator (R-Idaho).
Con Advocate: Barney Frank
Massachusetts State Representative (D-Boston).

Con Witness: Henry Reuss
Congressman (D-Wisconsin), Chairman, Committee on Banking, Finance, and Urban Affairs.
Con Witness: John Kenneth Galbraith
Author, Warburg Professor of Economics, Harvard University.

The Debate

Pro — **Witness, Brown**

Questioning by Nelson

Brown says the balance the budget proposals will produce national debate throughout the amendment process which will change attitudes toward a constant federal debt. He admits that deficits may be useful sometimes, but Congress has abused them to appease special interests and has brought on serious inflation which threatens the social compact.

Cross Examination by Frank

Advocate Frank attacks Brown's inconsistency on balancing the budget *and* using deficits during hard times. Brown proposes mandating a balanced budget with an amendment flexible enough to accommodate fiscal policy in emergencies.

Pro — **Witness, Baird**

Questioning by Nelson

Asked if deficits are bad, Baird explains how deficits increase inflation, hamper economic growth, and burden future generations.

Cross Examination by Frank

Advocate Frank wants to know how a Congress in the grip of special interests will balance the budget any better after the amendment than before. Baird contends if Congress has to raise taxes for every dollar it spends, anti-spending lobbies will resist the special interests' influence.

Con — **Witness, Reuss**

Questioning by Frank

Reuss believes in balanced budgets but thinks, like many other good ideas, fiscal policy shouldn't be amended to the Constitution. He warns that the inevitable power of special interests means budget cuts will hurt the poor most.

Cross Examination by Nelson

Nelson brings up the proposed escape clause to allow budget imbalance which would require a Congressional two-thirds vote. Reuss called it an almost insurmountable obstacle to overcome when necessary. He says Congress has already improved its budget processes without an amendment.

Con — **Witness, Galbraith**

Questioning by Frank

Galbraith presents his view that, if federal and state budgets are taken together, they balance out. He says inflation is too complex to be blamed simply on unbalanced budgets.

Cross Examination by Nelson

Galbraith agrees with Advocate Nelson that Congress has hidden costs for programs in deficits but assures him Congress will use the amendment's escape clause to behave the same way.

Pro — **Witness, McClure**

Questioning by Nelson

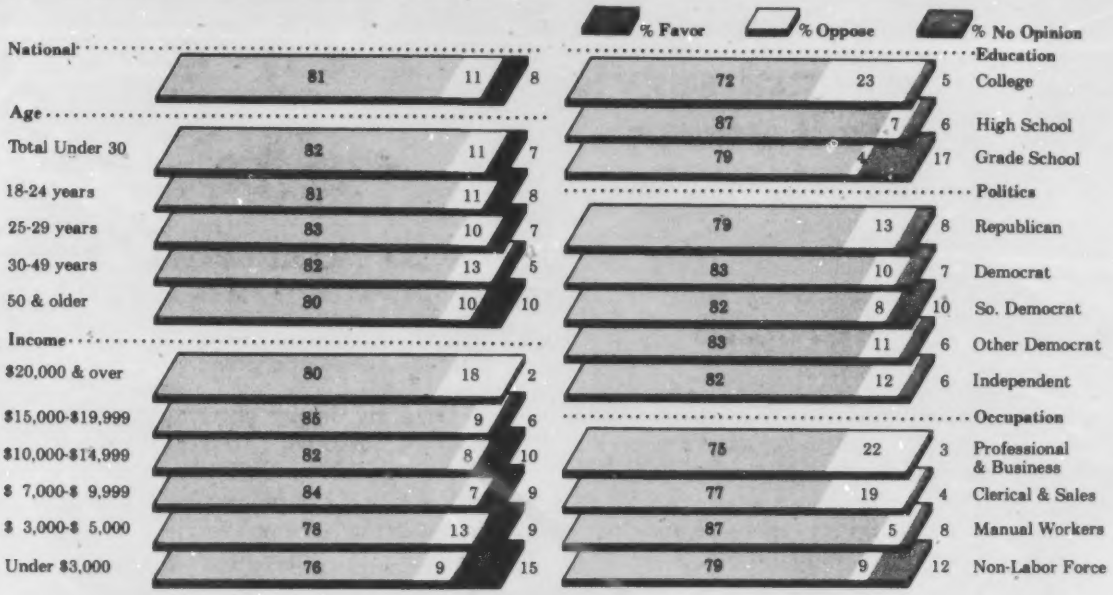
McClure believes a balanced budget will be good for America but that, without an Amendment, Congress will not reform its spending habits.

Cross Examination by Frank

Advocate Frank insists people have a right to know where post-amendment cuts will come beforehand. McClure says budget limits will make special interests less influential in gaining concessions from Congress.

Gallup Poll

Question: "Would you favor or oppose a constitutional amendment that would require Congress to balance the federal budget each year — that is, keep taxes and expeditures in balance?" (June 16-19, 1978)


% Favor
% Oppose
% No Opinion
National 81 11 8
Age
Total Under 30 82 11 7
18-24 years 81 11 8
25-29 years 83 10 7
30-49 years 82 13 5
50 & older 80 10 10
Income
$20,000 & over 80 18 2
$15,000-$19,999 85 9 6
$10,000-$14,999 82 8 10
$ 7,000-$ 9,999 84 7 9
$ 3,000-$ 5,000 78 13 9
Under $3,000 76 9 15
Education
College 72 23 5
High School 87 7 6
Grade School 79 4 17
Politics
Republican 79 13 8
Democrat 83 10 7
So. Democrat 82 8 10
Other Democrat 83 11 6
Independent 82 12 6
Occupation
Professional & Business 75 22 3
Clerical & Sales 77 19 4
Manual Workers 87 5 8
Non-Labor Force 79 9 12

Activities

1. Students can learn fundamental economics by inquiring about their own family's budget practices. Does the family use credit for large purchases or wait until half or all of the cash is in hand? Find out how much time-payment interest adds to the price of a car or a mortgage to the total cost of a house. How long can family finances run deficits?

2. If a school building in your community was built with a bond issue, ask the town auditor how the locality will pay for it. Will taxes from your future earnings be used to pay off the debt? Discuss the justifications for borrowing against the future to meet present emergencies.

3. Discuss the problems of balancing a federal budget during a recession when the taxpayers have less money available. Financial experts say, during times of recession, people use credit cards more heavily, living beyond their actual means. What would happen if their future income couldn't eliminate the debt?

4. Compare the advantages and disadvantages of a constitutional amendment with those of an act of Congress. Divide into teams to research other proposed constitutional amendments now before Congress (ERA, abortion, prayer in schools) and decide if these matters should be left to the legislatures. Is looking to the Constitution for solutions to problems a recent occurrence?

5. Analyze the Gallup public opinion poll. A sample opinion is usually 1500 persons taken at "random". Examine the limitations of a "random" sampling. The precise wording of the question is crucial to the conclusions. A term such as "balance-the-budget" is attractive but ambiguous. Some people may not have considered that a balanced budget might mean increased taxes. Would they favor this? What happens if an interviewer finds the problem too complex? Does the pollster mark "no opinion"? Ask the students to consider 1) the polls finding that higher educated people oppose the amendment in greater numbers; and 2) whether the balance-the-budget movement is symbolic and only reflects the public's concern about inflation.

6. Research topics: your state's position on the issue; the history of the federal budget and national debt; how state governments restrict their budgets.

Terms in the Debate

price supports
constituents
stagnation
annualized rate
hamstring
recession
panacea
semantics
social compact
aggregation
myriad
hair shirt
permeate

Should we have a system of compulsory national service for all young Americans?

Background

From 1948 to 1973, the U.S. had a peacetime draft. At the end of the Vietnam War, the U.S. instituted the All Volunteer Force (AVF) which recruits 340,000 persons per year. Many feel it has not succeeded. It is expensive and does not attract well-educated young people. It enlists a disproportionately larger percentage of blacks (26% compared to 13% in the population). In the last quarter of 1978, all four of the armed services failed to meet manpower quotas. The number of eighteen year olds in the population will decline by 25% from 1975 to 1993, limiting the pool of potential volunteers. There is concern that a career army will lose contact with the civilian population and be eager to demonstrate its skills on a battlefield. As criticism of the size and quality of the army increases, so does the drive to re-institute the draft or require universal national service.

Youth Service

The idea of a national service system is not new. It is similar to Franklin D. Roosevelt's New Deal youth corps, with Lyndon Johnson's youth program, and with ACTION (Peace Corps and VISTA). The intent of the programs is to create a mutual responsibility between government and young people, as well as to insure a representative military force. The country gains a work force that would accomplish national projects. The youth gain non-classroom learning, cross-cultural exposure, a sense of national pride, practical experience, and specific skills which they could apply in the future. Critics of the plan argue that a peacetime, compulsory system of civilian service amounts to involuntary servitude which the 13th Amendment prohibits.

In early 1979, Representative Paul N. McCloskey, Jr. (R-California) introduced a bill in a Congress which would require every citizen of the U.S. to register at his or her local placement center within ten days of becoming seventeen years of age. Failure to register would bring a two-year jail term. By the age of eighteen, each eligible registrant would notify the center in writing of his or her decision to fulfill the national service requirement in one of four ways. The options available under the National Service Act would be:

Sign up for the military, serve 24 months of active duty and receive 36 months of educational benefits in return.

Serve 6 months of active military duty and 5½ years of reserve earning 9 months of educational benefits.

Sign up for 12 months of approved civilian service at subsistence wage with VISTA (2 years with the Peace Corps) or a private non-profit employer, earning no educational benefits.

Enter the military lottery — if draft became necessary, the draftee would serve 24 months active duty and 4 years with the reserves earning 18 months of educational benefits. Those choosing to enlist would choose at what age between eighteen and twenty-three they would begin service.

Civilian Service

State and local governments would organize units to provide civilian service opportunities. Suitable service categories include positions serving human needs in public, private, and parochial schools, but not profit-making business organizations. If a person failed to perform civilian service satisfactorily, he or she would be placed in the lottery. The National Service System would conduct a lottery drawing based on a random ordering of birthdates for use when the armed services could not meet quotas by voluntary enlistment. In times of war, all people who had not performed their national service would be subject to the draft. Conscientious objectors would not be inducted and would continue their civilian service.

Briefing the Class

Teachers might inform students that there are several bills pending before Congress that deal with various aspects of national service. McCloskey's bill is the most complete: it advocates a system that will be broad and compulsory and carries a two-year criminal penalty for failure to register or for failure to serve.

Compulsion is not popular with all those who favor national service. National service is loosely tied to military service, one of the few activities for which the Supreme Court has interpreted government coercion of citizens as constitutional. Some students might benefit by familiarizing themselves with the wording of the Thirteenth Amendment which forbids involuntary servitude.

Pro Arguments

1. A national service system is an innovative way to replace the All Volunteer Force without reinstituting the draft.

It can provide the combat-ready military force which the AVF has failed to maintain.

It offers the opportunity for each citizen to serve the country in a manner consistent with his or her preferences and the nation's defense needs.

It can provide more and better quality manpower at less cost.

It will satisfy the strong sense of volunteerism in America.

2. National service advances youth and the nation.

It restores the balance between rights and responsibilities of young people.

The military training and educational benefits offer youth growth opportunities.

Civilian service offers training and practical experience in careers of interest to the participants.

3. Universal national service reduces the inequities of the draft.

It applies to youth of all sexes and races and provides an efficient means toward social integration.

It allows conscientious objectors to adhere to their principles.

Con Arguments

1. A national service system would not work as well as the AVF.

An effective peacetime military force depends on voluntary commitment.

Individuals forced to serve social programs will be hostile and counterproductive.

The cost of administrating a national service would be prohibitive (one estimate gives $7,000 per person per year).

There will not be enough useful projects for the millions of corps youths.

2. Compulsory national service violates the principles of a democratic society.

It allows the government to get cheap, captive labor which amounts to involuntary servitude.

The U.S. Supreme Court has ruled conscription constitutional only for military service, not for civilian public-works projects.

It is an undue extension of compulsory schooling.

3. Universal national service is inherently unfair.

"Volunteers" for civilian service are still susceptible to the military draft.

Civilian service does not involve the same risks as armed duty.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Paul N. McCloskey
Congressman (R-California); Introduced the National Service Act into Congress.

Pro Witness: Robin Beard
Congressman (R-Tennessee); House Armed Services Committee, co-sponsor of McCloskey's bill. A major in the Marine Corps Reserve on active duty each year.

Pro Witness: Harris Wofford
Attorney, Co-Chairman of the Committee for the study of National Service which has reviewed national service proposals.

Con Advocate: Lew Crampton
Senior Analyst, Arthur D. Little consulting firm.

Con Witness: James Weaver
Congressman (D-Oregon); Leader of the opposition to the National Service Act.

Con Witness: Barry Lynn
Minister, attorney with the United Church of Christ Office for Church and Society. An authority on the draft.

The Debate

Pro — **Witness, Beard**

Questioning by McCloskey

Beard testifies that the idea of a volunteer army is not working because it attracts young people, the least educated and poorest, who have nowhere else to go. He says classified army reports show we do not have the combat-ready reserve force we need to counter a Soviet threat and must reconsider the draft.

Cross Examination by Crampton

Crampton says the problem is with the reserves, not the active forces. Beard insists active duty forces need full-strength reserves to succeed in combat and no incentive, short of the draft, will persuade youth to join the armed services.

Con — **Witness, Weaver**

Questioning by Crampton

Weaver disagrees with the previous witness, testifying that our volunteer force is working and that we have the strongest military in the world. He adds that the government cannot get dedicated youth to implement civilian service programs by compulsion.

Cross Examination by McCloskey

McCloskey says it will cost too much to improve the AVF by attracting people with high pay. Weaver counters that the real costs of filling a national service program with unwilling draftees would be greater. They agree there is a strong spirit of volunteerism in the country but Weaver believes that the U.S. can only meet the objectives of civilian service on a voluntary basis.

Con — **Witness, Lynn**

Questioning by Crampton

Compulsion becomes central to the debate as Crampton raises the issue of the constitutionality of the compulsory military and civilian service. Lynn cites the Thirteenth Amendment which prohibits conscription except for military uses and forbids a draft for government service. He claims the plan would create a multi-billion dollar bureaucratic nightmare.

Cross Examination by McCloskey

McCloskey asks about the costs involved in producing a combat ready force. Lynn insists it is easier and less expensive to achieve combat readiness through incentives than by conscription. He reemphasizes that during peacetime we cannot draft people against their will for government projects.

Pro — **Witness, Wofford**

Questioning by McCloskey

Wofford testifies that young people today need a period of volunteer service after leaving high school for personal development and to satisfy a desire to help others. He says Peace Corps, VISTA and the Young Adult Conservation Corps cannot accommodate all the youth seeking involvement.

Cross Examination by Crampton

Crampton says the threat of jail and coercion of civilian volunteers into the armed forces cannot be called a voluntary program. Wofford maintains his support for the bill as an imaginative way to avoid returning to the full draft to meet U.S. military needs.

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NOT THAT I DONT HAVE COMPLETE FAITH IN YOU, BUT...SAY, IF I'M BOTHERING YOU I CAN COME BACK LATER...
NEWS FLASH TOP GENERAL WANTS DRAFT REGISTRATION REINSTATED
VOLUNTEER ARMY

Reprinted by arrangement with the Register and Tribune Syndicate.

Activities

1. Design a poll to take at school and in the community which will determine the willingness of young people to serve the nation and their support for a national service system. Invite a veteran, a conscientious objector, and an ACTION volunteer to class to discuss the advantages and disadvantages of national service. Compare all points of view.

2. Investigate the spirit of volunteerism on a local level. Make a list of the agencies in your community which provide opportunities for volunteer commitment. Canvass the school population to learn the extent of involvement in those activities. Would each volunteer's perceptions of the services they perform, or their motivations change if they were compelled to serve?

3. Ask students to form a description of armed services stereotypes. Examine the myths of military life, including the glamour of uniforms and the excitement of overseas travel. Discuss the source of students' impressions. Does the "new Army" support their preconceptions? Discuss the possible real benefits or psychological satisfactions to students from peacetime military service.

4. Have students conduct a debate on one of the alternatives to national service — "Should we reinstitute the draft?" or "Should we have an all-volunteer force?" Have students research and write a position paper defending a viewpoint.

5. In a democratic society, which should be the more important goal of a national service system — the benefit of society, or the benefit of the individual?

6. The draft has been eliminated in most western societies. Research the national service systems of other countries, including Switzerland and Israel. How do those systems reflect the country's world political position and its national security concerns?

Terms in the Debate

tour of duty
reservists
combat-readiness
recruiters
Individual Ready Reserve
non-commissioned officers
conscription
manning levels
big brother
NATO-Warsaw Pact
patriotism
ersatz
stipends
perfunctory
anti-social

Should your state carry out death sentences?

Background

For 556 persons in the U.S., the question of capital punishment is a life or death issue. Those are the inmates living on death row in the nation's prisons. Today the number of inmates is heavily concentrated in three states — Florida with 134, Texas with 122, and Georgia with 68. The execution of John Spinkelink in Florida's electric chair in 1979 was only the second in twelve years. (Gary Gilmore's death, in Utah in 1977, is dismissed as suicide since he refused to allow efforts to save himself.)

Death penalty abolitionists have reduced executions from a highpoint of 200 in a year in the 1930's to very few in the 1960's (one in 1966 and two in 1967) before a moratorium went into effect. The stopping of executions can, in part, be traced to the efforts of the NAACP (National Association for the Advancement of Colored People) which found discriminatory application of the penalty.

In the 1972 *Furman v. Georgia* suit, the U.S. Supreme Court struck down the death penalty as "cruel and unusual punishment," ruling that because the sentence was applied inconsistently, it did not meet equal protection requirements of the Constitution. The court left open the possibility that states could pass laws to guarantee fair judicial process before carrying out executions. Several states enacted legislation to conform to the Supreme Court decision and some of those laws have been upheld.

Thirty-seven states now have capital punishment statutes. The goal of the laws is to deter persons from violent crime. In the U.S. today there is virtually no fear of death by judicial means and criminals have little reason to expect more than long prison sentences. There is no statistical evidence to show that the fear of death sentences actually protects potential victims. On the other hand, there has been an increase in violent crime since the 1967 moratorium.

Statistics of neighboring states show similar homicide rates whether the state has long-standing death penalty laws (New Hampshire) or none at all (Maine).

Death Sentencing

The death penalty is linked to the idea of retribution which is similar to the notion of an "eye for an eye". An injury done to one individual is an injury to the community as a whole and society should enforce just punishment. As a result, retribution is mentioned as an appropriate measure for certain spectacular crimes, assasination for example.

The most recent application of death sentences has been aimed at the punishment of particular crimes, such as kidnapping or for killing certain types of victims such as a police officer (1969). Other executions have resulted from a variety of crimes: narcotics sold to a minor (1946), espionage of atomic secrets (1946), armed robbery (1955), rape (1964), and narcotics peddling (1970).

Justice has made mistakes, and capital punishment is irreversible. When death sentences are an option, many juries will refuse to convict. As a result, with 20,000 murders a year, the death row population is surprisingly low. The disparity is partially due to plea-bargaining, by which a district attorney and defense attorneys make a "deal" for a guilty plea from the accused in return for reducing the charge. These cases do not go to jury trial although a judge must approve the bargain and determine the sentence. It is impossible to try all cases in court so, on a practical level, plea-bargaining saves time and money. However, since it allows the prosecutors great discretion and is influenced by the power and personalities of lawyers and justice officials involved, it can have discriminatory results.

Briefing the Class

Americans seem to prefer having capital punishment on the law books for various crimes yet dislike carrying out the punishment when it comes time to execute. Teachers might explain this paradox to students before viewing the debate. Death sentences were handed down regularly during the moratorium on executions from 1967 to 1979. It appears that courts will continue to pass such sentences, legislatures will allow the laws to remain, and the death row population will continue to climb. The program confronts the fate of those prisoners now facing execution.

Teachers might hold class discussion on the linkage between race, poverty, and crime. The claim that courts administer the majority of death penalties to the poor and minorities does not automatically suggest the penalty should be abolished — as long as it is not applied *because* of race or economic status. Discrimination is a sociological phenomenon and our legal system reflects the society from which it comes.

Pro Arguments

1. A society must protect itself from violent criminals.

Eliminating a murderer by execution is fair retribution and saves potential future victims.

Punishments must match offenses with the severest penalty reserved for the worst crimes.

2. Societies must establish deterrents against crime.

A moral community demands standards of behavior by assigning punishment to violations of its norms.

Death deters persons from vicious crime more than prison.

3. Death is a just punishment.

The higher distribution of death sentences among the poor and minorities is a social problem, not a legal one.

Juries are reluctant to recommend maximum penalties and respond only to aggravated circumstances.

Revised, constitutional statutes provide protections and insure justice for condemned defendants.

Con Arguments

1. Execution is not a morally defensible response to crime.

Mistakes are frequently made in criminal law and an execution is irreversible.

Capital punishment is lethal vengeance which brutalizes the society that tolerates it.

2. Capital punishment has not been shown to deter crime.

Deterrence doesn't work against the majority of crimes which are crimes of passion.

Hired murderers take the risks of the criminal justice system, whatever the penalties.

3. Death penalties are unjust.

Without consistent sentencing, it is discriminatory to use death sentences occasionally.

Death sentences are usually delivered against the poor who cannot properly defend themselves.

The problems of social inequity should be solved before resorting to capital punishment.

Debaters

Moderator: Michael Dukakis

Pro Advocate: Avi Nelson
Radio and television commentator.
Pro Witness: Arthur Shuman, Jr.
Philadelphia attorney, prosecutor and defender of accused murderers for ten years.

Pro Witness: Dale Volker
New York State Senator (R-Buffalo). Introduced a bill in New York to restore the death penalty in that state.
Con Advocate: Margaret Marshall
Boston attorney.

Con Witness: Don Reid
Publisher Emeritus, Huntsville Item, Texas. Witness to 180 executions.
Con Witness: Alan M. Dershowitz
Law Professor, Harvard Law School.

The Debate

Pro — **Witness, Shuman**

Questioning by Nelson

Shuman tells why he thinks capital punishment is essential to society's protection both directly (eliminating the murderer) and indirectly (as a deterrent). He makes distinctions between murders, recommending death for the worst kinds. He denies that innocent persons are ever executed.

Cross Examination by Marshall

Advocate Marshall gives research evidence indicating death penalties laws have not deterred capital crime. Mr. Shuman rejects the studies saying comparisons between states must consider the make-up of the population. He claims more black persons are on death row because they commit more murders.

Con — **Witness, Reid**

Questioning by Marshall

Reid agrees that the courts apply the death penalty to only a small percentage of capital offenses and the major share go to minority offenders. His experience with inmates convinces him that awareness of the death sentence did not deter criminals.

Cross Examination by Nelson

Advocate Nelson coaxes the witness to agree that punishment deters crime and thereby protects society. Reid protests the effectiveness of *capital* punishment as a deterrent. He denies the state has any more right to take a life than did the murderer.

Con — **Witness, Dershowitz**

Questioning by Marshall

Dershowitz asserts that people are sentenced to death because of their socio-economic status or the kinds of victims they kill. He supplies data to support his position that the death penalty is applied discriminately against blacks. He further states that the quality of legal service a defendant hires is a deciding factor in death penalty sentencing.

Cross Examination by Nelson

Raising the case of Adolph Eichman, Advocate Nelson suggests that society should express its sense of moral outrage and demand retribution for certain crimes. Dershowitz maintains that the severest penalty a moral society should inflict is less than the death the murderer inflicted on the victim.

Pro — **Witness, Volker**

Questioning by Nelson

Senator Volker explains what the new death penalty statutes do to insure fair treatment and justice. He testifies that minority populations favor death penalties because they are as often the victims as the perpetrators of violent crimes.

Cross Examination by Marshall

Advocate Marshall focuses on the racial disparities among death-row inmates in Southern states but agrees with Volker that the statutes have improved. They disagree about whether the percentage of black executions is statistically proportional to the population.

Activities

1. Ask students whether fear of punishment prevents them from committing crime. If they did break the law, would they do so expecting to be caught? Discuss why there is reason to believe they would "get away" with the first offense.

2. Research the penalties for certain crimes in your state — shoplifting, carrying weapons, murder. Discuss how ignorance of the penalties and the likelihood of prosecution affect deterrence. Does a statement, "offenders will be prosecuted to the full extent of the law," or a "shoot to kill" order do more to deter looters? Discuss whether uniform and mandatory sentencing deters potential criminals.

3. Invite a speaker from the American Bar Association to help the class understand the Supreme Court decisions relating to capital punishment. Interview a local District Attorney to explain how plea-bargaining works in that jurisdiction and which kinds of defendants benefit. Research the current status of death penalty legislation in your state and discuss how the political and social climate affects whether death penalties are carried out.

4. Discuss students' concept of the criminal justice system and prison life. Where do they get their ideas — TV, personal experience, former inmates? Does justice triumph? or the innocent go free? Is plea-bargaining a subversion of justice or an expedient way of bringing as much justice to as many persons as possible?

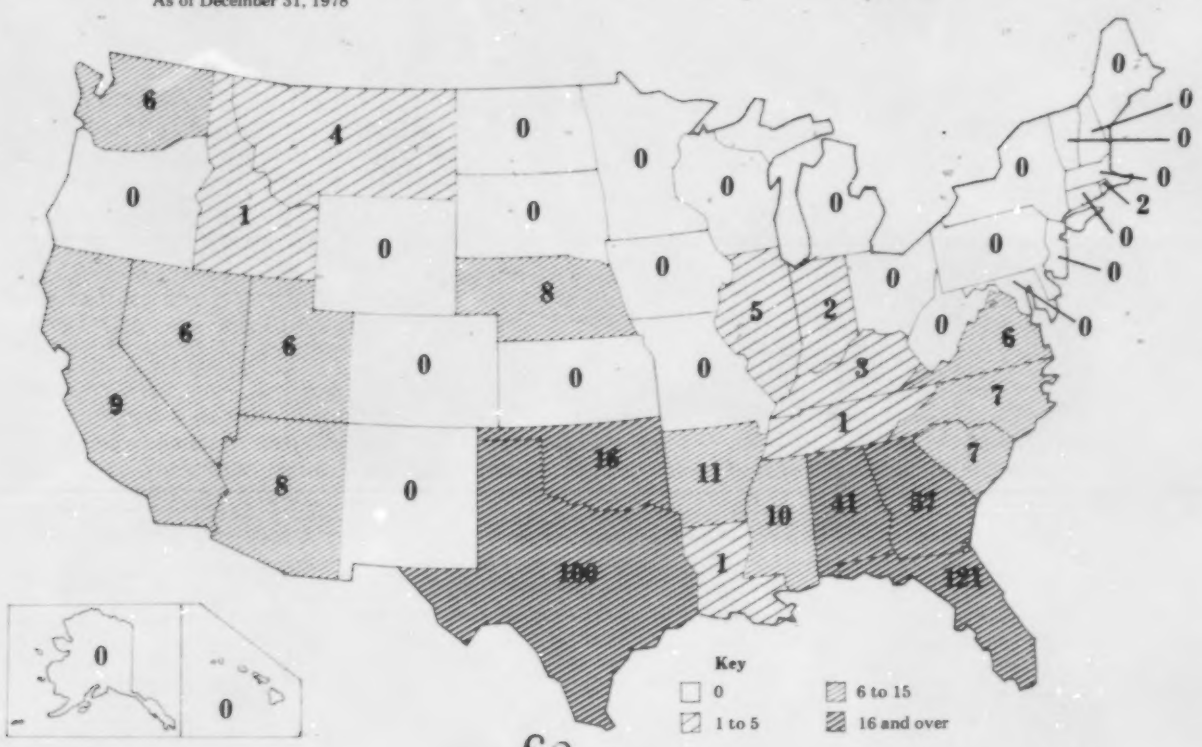
5. Debate the moral issues associated with taking a life whether by an individual or a state. Is life imprisonment simply delayed capital punishment? Is murder ever justified — freedom fighting, self-defense, nationalist terrorism? When do "civilized" countries legalize killing? Consider political executions, wars, martial law.

Terms in the Debate

hypothetical
doctrinaire
premeditated
jurisdiction
continuum
felony murder
verbalisms

Prisoners Under Death Sentence

As of December 31, 1978



Should Puerto Rico become a state, a commonwealth, or an independent nation?

Background

After the Spanish American War, Spain ceded Puerto Rico to the U.S. in the Treaty of Paris. Since that time Puerto Rico has had limited self-government within U.S. dominated administrations. In 1917, the Jones Act extended U.S. citizenship to residents of Puerto Rico, called for popular elections, and removed barriers to migration to the United States. A resident commissioner represents Puerto Rico (but does not vote) in the U.S. House of Representatives.

Throughout the 1930's, nationalist radicals protested U.S. colonial rule with outbursts of violence. In reaction, Luis Munoz Marin, a popular national leader and head of the Popular Democratic Party (PDP), sponsored a bill which became U.S. Public Law 600 of 1950 establishing Puerto Rico as a free associated state, or Commonwealth Under the compact, Puerto Rico is subject to Acts of Congress, Presidential orders, and Supreme Court decisions but it has no voting representatives in Congress. Puerto Rico is not a member of the Electoral College but will vote in the presidential preference primary in 1980. In 1953, the U.N. General Assembly approved a resolution recognizing the status of Puerto Rico and permitted the U.S. to discontinue reporting on Puerto Rico as a colony.

Economic Development

While many dispute whether Puerto Rico is a political colony, most agree that it is an economic colony of the U.S. In 1940, Munoz's PDP Party instigated Operation Bootstrap with a plan to convert the small-landholder, agricultural economy to an industrialized one. In 1950, the second phase of Bootstrap lured investors to Puerto Rico by offering inexpensive labor and tax breaks on profits and incomes. By the 1970's the gross national product had jumped to over $7 billion and per capita income increased to $2,300 a year (compared with $256 in 1950). While low compared to U.S. levels, Puerto Rico could boast the highest standard of living in Spanish America.

Puerto Rico was subject to the rising U.S. minimum wage, so many companies moved on to cheaper labor markets elsewhere or brought in mechanized industry needing little manpower. Today, the lowest estimate of unemployment is 20% with more than 80% of the island's 3.2 million population living on incomes below the poverty level and 70% using food stamps. Because the island has lost its agricultural base, it must import food, making the cost of living 20% higher in the capital city of San Juan than in New York City.

Political Situation

The PDP lost the 1976 elections to the New Progressive Party (NPP) which espouses a statehood platform, and Carlos Romero Barcelo became the new governor. The independence parties, most of which embrace some form of socialism gained in the election and receive support from Third World countries.

Some nationalists are militant revolutionaries. A radical faction, the F.A.L.N. (Armed Forces of National Liberation) has claimed responsibility for about forty-three bombings in New York and Puerto Rico, including a 1976 Wall Street (Fraunces Tavern) bombing that killed several people.

Cuba has led international criticism of the U.S. and succeeded in having the U.N. Special Committee on Decolonization adopt, in 1978, a mild resolution that criticizes the U.S. for violating Puerto Ricans' "national rights". The resolution falls short of declaring Puerto Rico a colony, but urges independence or a form of "free association" based on political equality with the U.S. That same year, President Carter issued a proclamation to the Puerto Rican people affirming a U.S. commitment to self-determination and pledging his support to the results of a 1981 status referendum.

Briefing the Class

Inform students that the debate is in a bilingual format. Each witness presents testimony in English which is translated with Spanish subtitles. Cross examinations are in Spanish with English subtitles.

Teachers can clarify for the class that the current debate in Puerto Rico and in a portion of the international community, is not whether U.S. domination of Puerto Rico should end, but how it can end. Few of the island's inhabitants are comfortable with the present situation but Puerto Ricans themselves divided on the status question. All political parties regard the current arrangement as a colonial one, but they cannot agree on how to achieve the sovereignty they seek. The question, therefore, does not limit debate to one position or the other (for and against statehood, or for and against independence). Instead, the question is structured to present each position as a practical alternative to the other.

Arguments for Commonwealth

1. Commonwealth means continued self-government and economic stability.

For the last twenty-five years Puerto Rico has enjoyed increasing political autonomy.

In the 1967 plebicite, the majority of Puerto Ricans supported Commonwealth.

2. Puerto Rico needs a "special economic relationship" with the U.S.

Participation in the U.S. economy will alleviate the pressure on Puerto Rico, with its limited resource base and productive capacity, to be self-supporting.

Free access to U.S. markets will mean growth and a continuation of the highest standard of living in Spanish America.

3. Commonwealth preserves the national character and dignity of Puerto Rico without economic and political isolation.

Arguments for Statehood

1. Statehood would bring island Puerto Ricans equality with other U.S. citizens.

Puerto Rico would gain full voting representation in the government on which it depends.

Puerto Ricans would gain the rights and privileges of other U.S. citizens without having to emigrate to the mainland.

2. Statehood would improve the economic outlook of the island.

Puerto Rico would receive additional federal benefits in the form of tax revenue sharing and income payments under Social Security.

Redevelopment of the commercial sector would bring benefits through long-range planning and government programs which stimulate the economy.

3. Statehood is a natural step in Puerto Rico's evolution, since Puerto Ricans have been U.S. citizens for most of this century, and two-fifths of its population lives on the mainland.

Arguments for Independence

1. Independence will ensure self-determination for Puerto Ricans.

The U.S. Congress has failed to respond adequately to Puerto Rican efforts to control its own affairs.

The U.N. has urged Puerto Rican independence or "free association" with the U.S. based on political equality.

2. Only independence, instituted after a transition period, will bring needed economic development.

Agricultural reform and the development of nickel, copper, and offshore oil discoveries will help make Puerto Rico self-sufficient.

Independence will enable the government to spur private industrial investment with tax advantages and channel corporate profits into internal development.

3. Puerto Rico is a Hispanic state with a strong cultural identity which cannot be merged with the U.S.

Debaters

Moderator: Michael Dukakis

Commonwealth
Advocate: Jaime Fuster
Professor and former Dean, University of Puerto Rico Law School.
Witness: Jose Arsenio-Torres
Professor of Political Theory, University of Puerto Rico.

Statehood
Advocate: Joaquin Marquez
Attorney and administrator, Washington Office of the Government of Puerto Rico.
Witness: Reinaldo Paniagua
Attorney and former Secretary of State and Lieutenant Governor of Puerto Rico.

Independence
Advocate: Fernando Martin
Law Professor, University of Puerto Rico Law School.
Witness: Ruben Berrios Martinez
President of the Independence Party of Puerto Rico.

The Debate

Pro — **Commonwealth Witness, Torres**

Questioning by Fuster

Torres describes Commonwealth as a mutually beneficial arrangement. Puerto Rico, over-populated and militarily weak, maintains its cultural distinction while receiving U.S. aid, and the U.S. profits in the island's industrial activity.

Cross Examination by Marquez (Statehood)

Advocate Marquez wonders if Commonwealth is a good system if Puerto Rico cannot improve its autonomy. Torres says the key is a better understanding of American democratic processes. He does not think statehood recognizes Puerto Rico's separate character.

Cross Examination by Martin (Independence)

Advocate Martin attributes Puerto Rico's social problems (welfare dependence, drug addiction) to the absence of political power under the present system. Torres agrees Puerto Rico has problems but thinks they should be solved by better leadership within Puerto Rico and the use of federal funds to make its people productive rather than dependent on welfare.

Pro — **Statehood Witness, Paniagua**

Questioning by Marquez

Paniagua supports statehood as the position of dignity for the Puerto Rican people and an opportunity to participate in the political processes of the U.S. He adds Puerto Ricans want the full rights their citizenship implies.

Cross Examination by Martin (Independence)

Advocate Martin asks how statehood would deal with unemployment and poverty any better than Commonwealth. Paniagua maintains that political equality with other states would involve Puerto Rico in U.S. government and institutions.

Cross Examination by Fuster (Commonwealth)

Advocate Fuster questions whether statehood is possible in view of the problems it would cause for the U.S. and the potential for violence in Puerto Rico. Paniagua urges all parties to resist policy based on fear and violence.

Pro — **Independence Witness, Berrios**

Questioning by Martin

Berrios asserts that Puerto Ricans are Latin Americans with a long cultural heritage whose main problem has been colonialism. He says that without political control of its own affairs, Puerto Rico cannot solve its serious social problems.

Cross Examination by Fuster (Commonwealth)

Advocate Fuster gets the witness to admit immediate independence is impractical. Berrios continues saying the U.S. has too much invested in Puerto Rico not to make an orderly transition to independence.

Cross Examination by Marquez (Statehood)

Marquez confronts the witness with the possibility that independence would mean a Puerto Rican socialist republic. Berrios responds that the government would represent the will of the people. He disputes the notion that Congressional representation under statehood would do anything more than reduce Puerto Rico to a beggar state.

Voting Trends in Puerto Rico

Political distribution classified by political status preference.

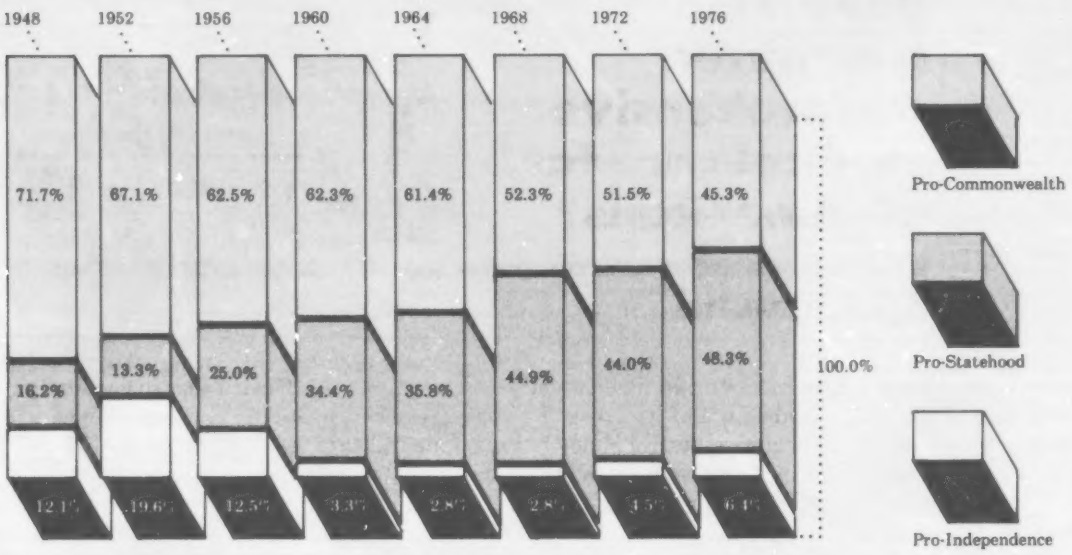


Chart prepared by the Puerto Rico Economic Development Administration from statistics compiled by the Board of Elections.

Activities

1. Ask each student to draw a picture of his or her impression of Puerto Rico or Puerto Ricans. Discuss the depictions and form a description of each stereotype. After viewing the program, re-evaluate the class's notions of their preconceptions. What were the reasons for the stereotypes — media, personal experience, hearsay?

2. Divide into groups to research the absorption of other distinct cultural groups into American society — Indians, Hawaiians, Eskimos. Assemble the information for class discussion on whether they suffered loss of identity.

3. What conclusions do the students immediately draw from the chart on voting trend statistics? After listing the initial impressions, discuss the limitations of this well-circulated data considering:

The U.S. government is the largest employer on the island.

Eighteen-year olds voted for the first time in 1972.

In 1976, two independent parties ran gubernatorial candidates.

The election was held shortly after Congress rejected Puerto Rico's latest bid to improve its autonomy and before President Ford stated his support for Statehood.

4. Research and compare U.S. relationships with its other territories (Panama Canal Zone, Virgin Islands, American Samoa, and Guam) and former territories (Hawaii, Alaska, and the Philippines) to its relationship with Puerto Rico. Research the Hawaii statehood debate and see if it touched the same arguments.

5. Read how Puerto Rico is represented in history textbooks and maps and ask the teacher what information is taught about its special relationship with the U.S. (Puerto Rico is the only territory which has achieved full Commonwealth status).

Terms in the Debate

colonialism
gunboat diplomacy
autonomy
cultural disintegration
plebiscite
tariff
ward
assimilation
commonwealth
economic colony
imperialism
self-determination

Should the federal government guarantee comprehensive medical care for all Americans?

Background

Health care is expensive. Recent estimates show the U.S. spends 8.6% of its gross national product on medical care but by almost every major comparison, Americans are less healthy, pay more, and get less care than citizens in other industrialized countries. According to the Council on Wage and Price Control, health care is increasing in cost at a rate much faster than the rate of general inflation and by 50% more than other consumer prices. Hospitals lack incentives to control medical costs and, for the most part, consumers do not have adequate ways to evaluate treatment and make judgments on the alternatives. Even individuals paying high premiums for private insurance are vulnerable to substantial costs in the event of catastrophic illness. Medical service is sometimes dictated by the costs insurance companies will reimburse rather than patient need or economy.

Many health care reform proposals are pending in Congress, including the Kennedy/Corman bill for a National Health Insurance system. Moves to amend health care in the U.S. respond to the following facts:

With skyrocketing health care costs, generally, insurance coverage has gone down to about 40% of the total.

There is a significant absence of health-care manpower in particular areas of the country.

Up to forty million Americans have no health insurance, many with only marginal coverage.

Every industrialized country except the U.S. and South Africa has either national health insurance or a national health service.

Health Security Bill

The main features of the Kennedy/Corman bill are:

Everyone living in the U.S. would be eligible for benefits.

Health security would pay for all services, including preventative care, optometry, dental care for children up to age fifteen (eventually the entire population), psychiatric, nursing home care, and drugs.

A Health Security board would administrate as part of the Department of Health, Education and Welfare.

Financing would come from a Health Security Trust Fund created by a special tax on employers, employees, and the self-employed with the amount matched by federal general revenues.

A Commission on the Quality of Health Care would develop and promote national standards for high quality care.

A system of advance budgeting would eliminate duplication in services, reorganize existing manpower, and provide for training of health professionals and allied personnel.

Health Care Options

England's nationalized health service provides a clear contrast to the Kennedy/Corman proposal. Under their system of socialized medicine, the federal government owns all medical facilities and employs and pays the salary of all doctors. Under the Kennedy/Corman plan, the federal government would set the rates that physicians and hospitals could charge, allocate funds for medical care, and replace the existing insurance companies as the third-party payer of health costs.

Every major group involved with medical care in the U.S. is supporting some form of legislation in Congress to change some aspect of the health care system. The changes proposed cover a wide spectrum. At one end is the Dellums Bill, which would nationalize the U.S. medical system and make it similar to Britain's. On the other end are bills by the American Medical Association (A.M.A) which would leave the current system basically unchanged but give people more tax incentives to buy health insurance.

Briefing the Class

Explain to the students that the program looks at the Kennedy/Corman bill rather than other proposals for several reasons. This bill permits discussion on the three major issues regarding health care: controlling the cost of health care, ensuring that all who need health care get it, and providing quality control of the care given. Focusing on this bill allows a debate on the split between those who believe that strong federal intervention is necessary to correct problems in the health system and those who believe it would be inappropriate. Many of those who are in favor of a health service rather than health insurance agree that the U.S. should adopt health insurance as a prelude to a health service. The Kennedy/Corman bill has the support of the major unions in this country and a large number of health economists.

Pro Arguments

1. National health insurance will solve the runaway cost problems of the health care system.

A board of administrators, doctors, and consumers will set costs and hospitals will operate within fixed budgets.

K/C encourages cost-efficient preventative medical practices for which insurance companies do not pay, instead of hospitalization, for which they do pay.

Review procedures will discourage unnecessary doctor and hospital services.

The plan costs consumers no more than they now pay for health care in the form of insurance premiums, uncovered medical expenses, and taxes.

2. The K/C bill assures access to health care for everyone.

Relocating resources will redistribute doctors to under-served areas.

No one will be reluctant to seek medical care for fear of not being able to pay for it.

3. The U.S. should provide medical care as a right to its citizens.

Medical care is as important as police and fire protection and should be available to everyone.

The K/C bill provides health care within the context of free enterprise where doctors and hospitals compete by offering better and cheaper services.

Con Arguments

1. Kennedy/Corman cannot hold down medical costs.

The government is notoriously ineffective at controlling expenditures through wasteful bureaucracies.

When doctors and hospitals are reimbursed for providing more (or more costly) services, there is no incentive to economize.

With compulsory participation in the program there is no reward to consumers for making cost-saving medical decisions.

The plan will require a substantial increase in taxes.

2. A medical system controlled by government will not deliver better health care.

Government policies have encouraged increases in medical costs; Medicare and Medicaid abuses show how federal funds are exploited.

Medical care is unsuitable for regulation because if someone feels better after "unnecessary" treatment, he should get it.

3. The U.S. health system is one of the best in the world.

Only a small percentage of Americans are without some health insurance or convenient access to medical care.

Indices of poor health, life expectancy, and infant mortality in America are related to indulgence in smoking, eating, and to social problems rather than poor medical care.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Patricia Butler
Health law attorney, Colorado Department of Health.

Pro Witness: Max Fine
Director, Committee for National Health Insurance, founded by Senator Edward Kennedy. Served as Health consultant to United Auto Workers and U.S. Public Health Services.

Pro Witness: Bert Seidman
Director of AFL-CIO Social Security Department. Member of Advisory Council on National Health Insurance Issues.

Con Advocate: William Rusher
Publisher *National Review*.

Con Witness: Philip Crane
Congressman (P-Illinois). Conservative leader in Congress, member of the House Ways and Means Subcommittee on Health.

Con Witness: Walter McClure
Director, Health Policy and Planning Group of Interstudy, a research foundation studying health services policy.

The Debate

Pro — **Witness, Fine**

Questioning by Butler

Fine states his belief that health care is a basic human right. He outlines the current problems in health care delivery — rising costs, wastefulness, lack of adequate insurance, and limited access to medical care for millions of persons.

Cross Examination by Rusher

Examining the specifics of the K/C Bill, Advocate Rusher asks if bureaucratic approval of all treatment is in the interests of good medicine. Fine says the physicians will decide treatment, not Washington, and the FDA will approve medicines as usual. Fine adds that local medical societies will decide doctors' fees in their own areas.

Pro — **Witness, Seidman**

Questioning by Butler

Seidman testifies that eliminating the fragmented way health care is now financed will hold down costs. The federal government will be able to negotiate with doctors and hospitals for improved efficiency and quality of care.

Cross Examination by Rusher

Advocate Rusher gives the Veteran's Administration as an example of an inefficient government operation. Seidman rebuts that the VA is comparable to socialized medicine, not the insurance plan. Rusher suggests the expenses of big city public hospitals show the greater costs of public medicine. Seidman calls those problems ones of poverty and medical neglect which the insurance bill could correct.

Con — **Witness, McClure**

Questioning by Rusher

McClure agrees with the proponents that rising medical costs are a central problem. Based on its historical record, he denies that federal government financing, regulation, and control will contain costs in the medical industry. He proposes instead, the introduction of consumer choice and competition to reward cost efficiency.

Cross Examination by Butler

Advocate Butler challenges McClure on how to put competition into the system asserting it is doctors who control the use of medical services, not the patients. McClure insists that patients are the ultimate consumers and they should shop around for medical care before approving services.

Con — **Witness, Crane**

Questioning by Rusher

Crane testifies that government control leads to politicizing medicine and allocating resources based on factors other than concern for the patient. Crane argues against severing the connections between doctor and patient, which are special to our health system.

Cross Examination by Butler

Butler wonders why, if government controlled medicine is so bad, no one in Britain is moving to repeal the system. Crane says the physician "brain drain" and the scarce resources in British hospitals despite their medical innovation prove his point. He and Advocate Butler disagree on whether the K/C system will redistribute money already being paid for health care or require substantial new taxes.

Activities

1. Make a survey of local health care services in your vicinity and relate the number of physicians, dentists, and hospitals to the population statistics. Consider doctors' specialties to assess whether adequate care is available. Where would you go in the event of a serious or catastrophic illness?

2. Have students individually examine their own health insurance coverage including parents' employment policies, private coverage, and student insurance programs. Which illnesses are covered and which are not? How much do policy holders pay out of their own pockets? What is meant by "buffalo policies"?

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3. Do some consumer research on health care expenses. Divide into groups to call doctors and hospitals to ask for comparative cost figures on a few routine medical procedures — a complete physical, an appendectomy, a compound leg fracture. Ask for details about hospitalization, return visits, appliances, medicines. As a class discuss the various estimates. Was there a choice between medical providers? Is "shopping around" a practical or realistic approach for patients?

4. Discuss whether health care is a basic inalienable right assumed by the Constitutional guarantee of "life, liberty, and the pursuit of happiness."

5. Explore whether the solutions to health care problems will be practical, political, or economic. Is the need for medical care, like education, secondary to its cost? Are students willing to put up with inconvenient service and higher taxes for certain social benefits?

6. England's system of socialized medicine may not be the best example of national health care. Some students should research the experience of other Western European nations, particularly in Scandanavia, as well as the Soviet system to develop comparisons.

Terms in the Debate

FDA (Food and Drug Administration)
efficacious
laetrile
swine flu
worried-well
deficit spend
CAP scanner
reimburse
group practice programs

Should public institutions be permitted to give preferential treatment to minorities in hiring and admissions?

Background

The efforts of the civil rights movement to erase social, political, and economic discrimination against all minorities derives its force from the Declaration of Independence, which asserts that "all men are created equal," and from the equal protection clause of the Constitution's Fourteenth Amendment. In the last 25 years, the nature of discrimination has required special solutions to make up for past educational and social disadvantages and to safeguard the rights of each citizen.

Legislative Action

In 1964, Congress passed the Civil Rights Act which legislated equal employment opportunity for all Americans. Title VII of the Act, amended by the Equal Employment Opportunity Act of 1972, "prohibits discrimination because of race, color, religion, sex or national origin, in any term, condition, or privilege of employment." Title VI of the Act "prohibits discrimination in all programs or activities which receive federal aid." While far reaching in its impact on reducing conscious discrimination, the Civil Rights Act did little to eliminate the problems of unconscious discrimination either by individuals or institutions. Minorities were still under represented in universities, graduate programs, and the professions. Thus, the courts identified institutional, or systemic, discrimination judged by the consequences of employment and admissions practices, rather than the intent. If none of the designated minorities are employed by a firm or enrolled in a school, then there is evidence of discriminatory practices.

The courts ordered that employers undertake a remedy, affirmative action, to eliminate present and future discrimination for members of the affected classes. After self-analysis, firms must initiate plans to achieve the objective of equal employment opportunity. This includes positive action beyond the neutral "non-discriminatory" and "merit hiring" policies and includes the active recruiting of minority candidates.

As an extension of affirmative action plans, businesses and schools developed preferential treatment programs which actually favor members of the preferred minority. Preferential treatment goes beyond good will as a solution to the problems of discrimination by including quotas in minority hiring and admissions to satisfy the intent of the Civil Rights Act. It establishes goals for recruiting a set number of employees or students in order to generate more minority interest in professions, and prevents the laying off of minority employees on the basis of seniority during economic recessions.

The Bakke Case

In order to realize its affirmative action plans, in 1969, the University of California Medical School at Davis set a 16% minimum quota for minority admissions, to raise enrollment from a previous 1%. In 1974, Allan Bakke, a white student, applied for admission and was refused. He sued the University on the basis of reverse discrimination. He charged that, since his grade averages were higher than some of the accepted minority candidates, he had been denied admission because of his race. The California Supreme Court agreed with Bakke and the case went to the U.S. Supreme Court for a ruling on the constitutionality of the special admissions program. In 1978, the high court declared the University's program illegal and Bakke was admitted to the medical school.

A majority of the Court refused to say that affirmative action programs or even all racial quotas are unconstitutional. It appears that race may be a consideration for admission, just not the sole criterion. Many regarded the case as significant as the 1954 landmark case of Brown v. the Board of Education which mandated school integration. Civil rights activists viewed the Bakke decision as a setback and saw their recent gains at stake.

Briefing the Class

Teachers should make the class aware that, at the time of the debate, the Supreme Court had not handed down its decision on the Bakke case. Although the Bakke dispute was confined to the specifics of one university's particular program, the legitimacy of preferential treatment emerged as the principle issue.

More recently, in a suit brought by Weber, a white factory worker in Louisiana, the Court upheld a minority quota plan. The ruling permitted a private employer (Kaiser Aluminum) and a labor union (United Steelworkers) to enter into an agreement to give blacks fifty percent of the places in an in-plant craft training program. The ambiguity between the Bakke and the Weber decisions leaves the legality of other minority quota programs in question.

The debate focuses on public institutions because they would be most directly affected by policy changes resulting from a rejection of preferential treatment. Help students understand the moral and political dilemma raised by society finding itself guilty of discrimination on one hand, and unable to eliminate it on the other.

Pro Arguments

1. Preferential treatment is an effective remedy for systemic discrimination.

It assists the goal of equality between racial groups.

It secures more enrollment in universities, law, and medical schools.

It leads to more jobs in construction, government service, and supervisory positions.

It helps establish role models among minority groups.

2. Preferential treatment reverses the effects of past discrimination.

It provides for proportional access to jobs and schools to eliminate systemic discrimination.

It produces a more equitable distribution of society's benefits and miseries.

The conscience and political will of the public demand preferential treatment.

3. Preferential treatment is legal and constitutional.

Where there is a "compelling state interest," classifications based on race are permissible.

The Supreme Court has permitted race-conscious remedies to correct specific past discrimination.

Con Arguments

1. Preferential treatment does not reduce discrimination.

Giving preference promotes divisions and tension between groups.

Preferred admissions for unqualified persons threatens educational standards and lowers opportunities for everyone.

Preferential treatment is patronizing and stigmatizes minorities, debasing their achievements.

2. Effective alternative programs exist for combatting discrimination.

The law requires an active commitment to fair employment by businesses and schools.

Filling job quotas with less qualified candidates threatens the country with the loss of productivity and reduces economic security for everyone.

Early education programs stop patterns of discrimination before they begin.

3. Preferential treatment is illegal and unconstitutional.

It favors one race over another.

Equal protection commands the elimination of racial barriers, not their creation in order to reorganize society.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Laurence Tribe
Law Professor, Harvard Law School.
Pro Witness: Joseph Rauh
Civil liberties attorney.

Pro Witness: Nathaniel Jones
General Counsel, NAACP, the oldest and largest civil rights organization in the U.S.
Con Advocate: Larry Lavinsky
Chairman, National Civil Rights Commission, B'nai B'rith Anti-Defamation League.

Con Witness: Thomas Sowell
Professor of Economics, UCLA.
Con Witness: William Van Alstyne
Professor of Constitutional Law, Duke University.

The Debate

Pro — **Witness, Rauh**

Questioning by Tribe

Rauh calls for preferential treatment as a temporary remedy for the effects of past discrimination. He claims equal treatment and color-blindness now produce unequal results because non-whites and whites have different starting points. He opposes quotas because they exclude rather than include minorities.

Cross Examination by Lavinsky

Advocate Lavinsky proposes that society owes disadvantaged white applicants an equal chance for higher education. Rauh supports preference for all disadvantaged groups with special attention for racial minorities.

Con — **Witness, Sowell**

Questioning by Lavinsky

Sowell disagrees with gearing quotas to population statistics without taking age distribution and cultural preferences into consideration. His teaching experience has shown that, despite the better-than-average qualifications of students preferentially admitted to universities, they often have difficulty keeping up with the highest standards.

Cross Examination by Tribe

Advocate Tribe challenges Sowell on how to effect real change in the number of black professionals without increasing minority admissions. Sowell insists that lowering admissions qualifications is unsuitable in some institutions and that society will not create capable lawyers and doctors by maneuvering them through schools and giving them devalued degrees.

Con — **Witness, Van Alstyne**

Questioning by Lavinsky

Van Alstyne discusses the unconstitutionality of discriminating on the basis of race however well-intentioned the objectives. He states the position that society should increase opportunties for all disadvantaged persons irregardless of color. Preference for one racial group displaces other people solely because of their race.

Cross Examination by Tribe

Advocate Tribe tries to find an area of agreement with the witness on achieving their mutual goal of social equality. Van Alstyne insists that programs which lock out disadvantaged whites in favor of blacks actually promote racism.

Pro — **Witness, Jones**

Questioning by Tribe

Jones refutes Van Alstyne's testimony that racial criteria is unconstitutional in shaping a remedy for discrimination. He testifies that institutions cannot deal with racial discrimination without considering race. He adds that special programs for black minorities do not preclude similar programs for other disadvantaged groups.

Cross Examination by Lavinsky

Advocate Lavinsky draws attention to Supreme Court rulings which permit race-conscious remedies only for specific individual victims. Jones maintains that the law grants states the flexibility to move affirmatively to correct vestiges of past discriminatory practices in all programs.

Employment in Selected Professions, 1977

White Collar Occupations	Total Employed (in thousands)	Percent Minority (Black and other)
Accountants	868	6.8
Architects	58	5.2
Bank Officials	543	4.4
Biologists	55	12.7
Chemists	124	10.5
Civil Engineers	171	7.6
Dentists	105	5.7
Designers	146	2.7
Drafters	283	7.1
Economists	106	4.7
Editors and Reporters	185	4.9
Health Administrators	175	5.1
Health Technologists	462	12.1
Lawyers and Judges	462	3.2
Librarians	193	9.8
Musicians and Composers	154	9.7
Pharmacists	138	4.3
Physicians	403	9.2
Psychologists	92	2.2
Public Administrators	401	8.5
Public Relations Specialists	120	5.0
Recreation Workers	119	19.3
Registered Nurses	1,063	11.3
Sales Managers	345	5.2
School Administrators		
College and University	126	2.5
Elementary and Secondary	265	7.9
Social Workers	325	19.1
Teachers		
College and University	562	7.5
All other	3,024	9.8
Vocational Counselors	175	14.3

Source: *Employment and Earnings*, Bureau of Labor Statistics.

Activities

1. Have each student list the professionals with whom he or she has frequent contact. How might each of these people influence a decision to enter a career? What sex and race is each person? What feelings do women or minorities have about role models?

2. Have the student role-play a college admissions director who defends the selection of one of the following applicants for the "last" opening in the entering class. Discuss the choices and the stereotypes.

Mary Arnold: white, honor roll, worked part-time in high school, alumnus' daughter, deceased father.

Bill Clark: black, honor roll, debate team captain, doctor's son.

Lisa Dorr: black, mediocre grades, basketball captain, mother on welfare.

Steve Eaton: white, honor roll, football captain, alumnus' son, son of an attorney and a company president.

3. Discuss the principles involved in the use of quotas and the ways they are used to discriminate. Keep in mind that quotas can be used to minimize, as well as maximize, representation. Research the historical use of quotas in immigration and in armed forces enlistments. What were the reasons for setting those limits and who benefited? Review *The Advocates In Brief*, "Should we cut back on veteran's preference to provide more opportunities for women?" for a related debate on the outcome of another quota/preference system.

4. Assuming limited resources and spaces in both jobs and universities, discuss the relationship between preference and displacement. Who do black quotas displace — white males, women, hispanics, the disadvantaged, the wealthy, working classes? How can institutions arrive at equitable formulas for a fair distribution of opportunities while protecting individual rights and preserving standards. What part does political power play in determining which group receives preference over another?

Terms in the Debate

insidious
immutable
retribution
differential
invidious
inclusion
percentile
college boards
backlash
Educational Testing Service
cleavage
redress
proscribe
Kerner Commission
reapportionment

Should we cut back veterans' preference on federal and state jobs to provide more opportunity for women?

Background

There has been some form of veteran's preference for government jobs in the U.S. since colonial times. In 1944, the Congress consolidated all existing executive orders and Civil Service Commission rules into the Veterans' Preference Act. The law recognized the service returning veterans had performed for the country and tried to ease their transition to civilian life. Almost unchanged in the last twenty-five years, the law grants preference in hiring and promotion to veterans who served during war or for 180 consecutive days beyond training, and who received honorable discharges. It does not apply to veterans of the All Volunteer Force, which Congress instituted to replace the draft in 1976.

Provisions of the Law

The law allows:

Any disabled veteran who takes an exam for civil service employment, automatically has ten points added to the score. The veteran's name is placed on the Civil Service Register of jobs for which the veteran is qualified. When there is a federal opening, the prospective employer may choose from only the top three names on the list.

Any non-disabled veteran who passes a civil service exam automatically has five points added to his or her score.

A veteran is ranked above a non-veteran with the same score.

No veteran may be "passed over" for a non-veteran with the same or lower score unless the Office of Personnel Management (OPM) approves.

During a government job layoff, veterans must be the last to lose their jobs.

Forty-six states adopted laws similar to the federal law, increasing the impact of veteran's preference to an additional twelve million state government employees. State laws vary from the most extreme in Massachusetts, which gives absolute preference for life to all qualifying veterans, to Wisconsin's newly revised law which limits preference to hiring and to use within five years of leaving the military.

The Federal Workforce

The federal government is the largest employer in the nation. In 1977 it employed almost three million people, of whom 47% were veterans. Since the veteran population is over 98% male and 92% non-minority, the preference laws have largely benefited white males. Veteran's names are at the top of 75% of the federal service job registers. While women are 35% of the federal workforce and minorities are 21%, these groups occupy the lower ranges of the pay scale, often in clerical, trade, or labor positions which do not provide the skills needed for professional and managerial work. In Government Service Levels 16-18 (the top jobs), 65% are male veterans, and 3% are non-veteran women.

The low representation of women and minorities at the top levels of federal employment is partially due to the fact that, consistent with previous regulations, neither group ever served in large numbers in the armed services. During World War II, the Army restricted black enlistments to a ceiling of 10% of total forces' strength, a figure that was never reached. During the Vietnam era, the number of black veterans increased to 20%. The Army only recently lifted a cap on women's enlistments of 2% of the total armed services population. This followed a 1967 Congressional repeal of the provisions of an Act limiting the number of female officers to 10% of female enlisted strength.

Vietnam veterans are particularly affected by the present veterans' preference rules which favor older veterans over new veterans. As a result, in the 1960's Congress passed laws requiring employers to create Affirmative Action programs to provide jobs. Nevertheless, unemployment among Vietnam veterans is a persistent problem.

Briefing the Class

Inform the class that in 1978 Congress defeated a bill to reduce veterans' preference as part of President Carter's civil service overhaul package. Women's groups are organizing again to resist veterans' lobbies to get a similar bill through the legislature soon.

Under the most discussed new proposal a non-disabled veteran could use the preference in government hiring one time only and within fifteen years of leaving the service. Also, a veteran's protected status during government layoffs would be good for only eight years. Retired military personnel would no longer receive veterans' preference for other government jobs.

Pro Arguments

1. Lifetime veterans' preference should end.

Congress meant the law as a temporary transition, not a lifetime promise.

The 15-year, one-time-only proposal is sufficient to help veterans readjust to civilian life.

Lifetime preference prevents younger veterans from gaining the jobs they need to ease their transition.

2. Veterans' preference is inequitable.

It violates the principle of equal opportunity by shutting women and minorities out of government service.

It denies women and minorities equal protection under the Fourteenth Amendment.

It interferes with merit selection systems by allowing the appointment and promotion of less qualified people.

Con Arguments

1. Veterans' preference fulfills a promise made to all veterans who served in the armed forces.

It helps veterans regain opportunities lost in the service of the country and recognizes the hardships they faced.

It provides Vietnam veterans the same lifetime opportunities the law has granted to older veterans.

2. Veterans' preference is a fair and reasonable system.

The low numbers of women eligible for veterans' preference reflects the low numbers of women who served in the armed forces.

Women were never made subject to the draft.

The system only grants job preference to qualified candidates.

Most World War II veterans are nearing retirement and the problem will soon disappear.

Debaters

Moderator: Michael Dukakis

Pro Advocate: Margaret Marshall
Boston attorney.

Pro Witness: Alan Campbell
Director, Office of Personnel Management, which monitors all federal jobs hiring.

Pro Witness: Virginia Dondy
Deputy Assistant Secretary of the Air Force.

Con Advocate: Avi Nelson
Radio and television commentator.

Con Witness: Norman Hartnett
National Director for the Disabled American Veterans.

Con Witness: James Hanley
Congressman (D-New York).

The Debate

Pro — Witness, Campbell

Questioning by Marshall

Campbell testifies that veterans' preference has worked very well to reintegrate World War II veterans into civilian life. He believes the law should be changed now to make the federal workforce represent the population and to make opportunities for Vietnam veterans.

Cross Examination by Nelson

Advocate Nelson gives a different view, that veterans' preference is a reward for prior service, not a transition. Campbell insists it was not intended as a lifetime commitment and that when Congress permits one group to displace another, it should do so only when the need is greatest.

Con — Witness, Hartnett

Questioning by Nelson

Hartnett testifies that women's representation in federal jobs is increasing and veterans' hiring is decreasing. He calls the low percentage of women in upper level positions a consequence of the fewer women in the workforce over the years. He also adds that changing the law now would deny Vietnam veterans their benefits.

Cross Examination by Marshall

Advocate Marshall argues that not everyone in the military was exposed to the risks that would entitle a special preference. Hartnett asserts that all military personnel suffer from discipline, displacement from families, and lost career opportunities over which they have no control.

Con — Witness, Hanley

Questioning by Nelson

Hanley argues that adhering to the promise of veterans' preference is a matter of national integrity in honoring a traditional commitment for service to the country.

Cross Examination by Marshall

Advocate Marshall argues for changing public policy when it has outlived its usefulness. Hanley maintains that Congress had an opportunity to change the law but overwhelmingly opted not to do so. Marshall points out that Congress is also male dominated.

Pro — Witness, Dondy

Questioning by Marshall

Dondy testifies that veterans' preference prevents the promotion of women and minorities in federal jobs, denying them equal opportunity. She asserts that the new proposals would give Vietnam veterans improved chances to reintegrate into civilian life by reducing the number of veterans competing for jobs.

Cross Examination by Nelson

Nelson challenges the witness on whether preference discriminates against non-veteran women any more than non-veteran men. Dondy allows that there have been few women in the military because of a cap on women's enlistments. She attributes societal changes for the recent outcry against traditional limits on women's opportunities.

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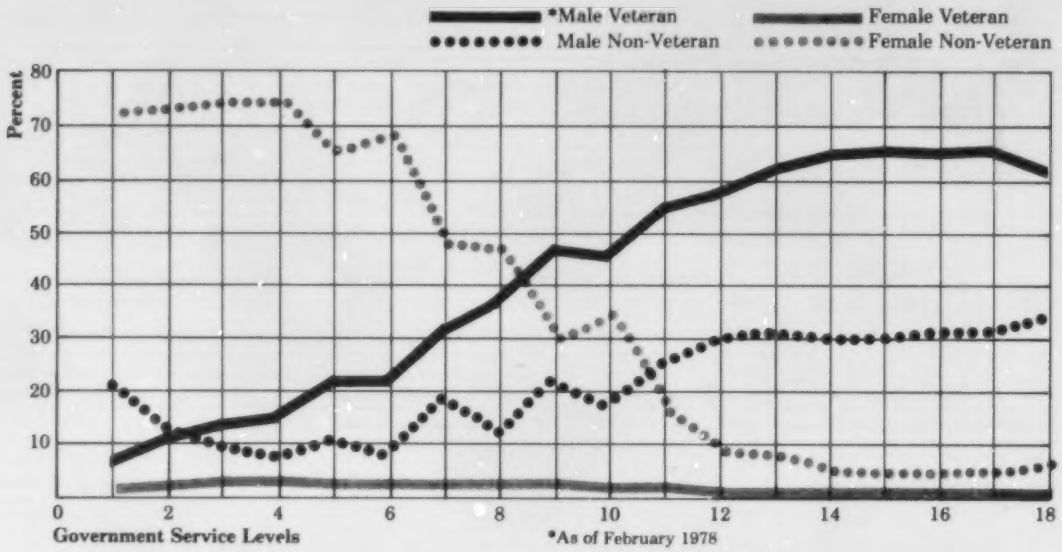
Federal Employment Distribution



Source: OPM, Central Personnel Data File.

Activities

1. Discuss the reasons why the veteran's preference issue did not become controversial until the 1970's. Consider the civil rights and the women's movements, the end of the Vietnam War, the 1974 recession, high unemployment, and the tax revolt. Is there any evidence to suggest that veterans are being singled out to redress the problems of women and minority employment?

2. Research the legislative history of your state's veterans' preference law and decide how it differs from the federal plan. How are "disabled" veterans defined? Investigate the veterans' preference options available at the local level — in the school system or public utilities.

3. What other benefits besides job preference did the Armed Services grant to veterans (G.I. Bill, insurance, VHA mortgages)? Talk to a recruiter to learn what the All Volunteer Force offers as incentives and compare the two situations.

4. Invite members of the Veterans of Foreign Wars, Vietnam veterans, a civil rights or a women's group to critique *The Advocates In Brief* debate. Ask the veterans to clarify what they feel was promised upon enlistment or induction. Discuss the conflict between veteran's preference and the rights granted by the Equal Employment Opportunity law.

5. Research the historical role of veteran's groups, their political power, and their shared vision. What influence has the preponderance of veterans in government service (and as presidents) had on the course of U.S. history?

6. Discuss what a veterans' preference law reveals about a society and its values. Would a society need to legislate a preference if its members valued it? Have students identify the difference between the nation's perception of returning World War II and Vietnam veterans. Have the nation's values changed?

Terms in the Debate

renege
caucus
VISTA
ACTION
full faith and credit
cap
Peace Corps

Should the United States support "self-determination" for Palestinians in a Middle East peace settlement?

Background

Dramatic developments in recent months offer hope for a settlement of the long-standing conflict between Israel and its Arab neighbors. The unprecedented trip to Jerusalem by the President of Egypt, Anwar Sadat, officially recognized the state of Israel and began a process leading to agreements between Sadat and the Prime Minister of Israel, Menachem Begin. The negotiations laid the foundation for a comprehensive settlement in the Middle East and for peace between Israel and Egypt. Difficult issues remain; principally, the fate of the Palestinians in the region.

Recent History

Conflict in Palestine began early in the century in response to the Zionist nationalist movement which sought to create and settle a homeland for the Jewish people in Palestine. As Jewish immigration increased, accelerated by Nazi persecution in Europe, tensions with the Arab residents of Palestine grew. British efforts to maintain stability and control over the area ended in support of a United Nations partition plan to divide the country into separate Arab and Jewish states with an independent, internationally supervised Jerusalem. The day after the British Mandate officially ended in 1948, Israel declared itself a state and war broke out. Dispossessed of their land, the Palestinian Arabs found refuge in camps in Gaza, Israel, and neighboring Arab countries.

The period from 1948 to the present has been one of instability and war, during which the Palestinians looked for a solution in an Arab military victory. When, after the 1967 Yom Kippur War, it became clear that the Arabs were not able to win on the battlefield, Palestinians stepped up their organization of a national movement free from the control of other Arab governments.

To retain Arab unity and curb guerilla attacks, the Arab League created the Palestinian Liberation Organization (PLO) in 1964 to officially represent the Palestinian people. The PLO began to organize the political, educational, and health affairs for the Palestinians. The U.N. Security Council brought the pressure of the world community to bear on Israel with passage of Resolution 242 which called for Israeli withdrawal to pre-1967 boundaries and a settlement of the "refugee" problem.

Radical elements of the faction-ridden PLO still resorted to acts of terrorism, such as the Black September's raid on Israeli athletes at the 1972 Olympic Games. Nevertheless, the PLO cause gained international support at the U.N. In 1974, Yassir Arafat addressed the U.N. General Assembly and argued, contrary to the founding charter of the PLO, for a democratic, bi-national secular state in Palestine open to Jews and Arabs. By this time, moderate Palestinians had made it clear that they would accept an independent Palestinian state next to Israel.

Future Plans

Israel has repeatedly denied the right of Palestinian "self-determination" which it claims will lead to an independent state, run by the PLO, which would threaten Israeli security. The terms of the Egyptian-Israeli Peace Treaty provide for negotiations on self-rule on the West Bank and Gaza and elections for officials as the first step towards Palestinian self-government. Israel will withdraw its military forces behind its 1949 borders and, after a five year transition period, negotiate the final status of West Bank/Gaza.

The U.S. has been Israel's main ally since 1948. The overriding concern of the U.S. is for a stable Middle East, which would include an uninterrupted supply of Arab oil, a reduction of Soviet influence, and the preservation of the democratic state of Israel. The Arab states are united on the need for Israel to withdraw from the occupied territories and are committed to a resolution of the Palestinian issue.

Briefing the Class

Encourage students to update their information on the Middle East situation by reading newspaper and magazine articles. Both advocates agree that the momentum for peace signalled by the Egyptian-Israeli Peace Treaty must continue and that a resolution of the Palestinian problem is at the center of current peace efforts.

Take note that self-determination for Palestinians is not the current U.S. policy. President Carter has gone as far as to say that the Palestinians have legitimate rights and that they must participate in the determination of their own future. The wording, "United States support," in the question under debate means a policy that will allow the Palestinians to choose any form of government they wish, including an independent, PLO-dominated state. It also means U.S. support for an Israeli withdrawal from the occupied territories.

Pro Arguments

1. Palestinians have a right to self-determination.

The formation of the state of Israel has deprived the Palestinians of their property and their full legal rights.

Palestinians constitute, both historically and culturally, an independent political reality.

Both the American position on human rights and U.N. resolutions affirm the right of a unified culture to govern itself.

2. Support for Palestinian self-determination is realistic and practical policy for the United States.

Only self-determination will satisfy Palestinian nationalism.

Without self determination for Palestinians, peace in the Middle East will not be possible.

Without return of the West Bank and self-determination, the PLO will never recognize the sovereignty of Israel.

Con Arguments

1. Self-determination for Palestinians is impractical.

The PLO-led Palestinians have never recognized Israel's right to exist.

A PLO-dominated separate state on the West Bank would present grave security risks for Israelis.

The Palestinian refugee problem is one created and used by the Arabs to put world pressure on the Israelis.

Palestinians must institute government systems and hold democratic elections before considering statehood.

2. U.S. support of Palestinian self-determination would hinder a Mid-East settlement.

The U.S. is pledged to defend the state of Israel and the PLO is pledged to destroy it.

The U.S. cannot impose a solution upon Israel or the Palestinians.

The only settlement which will last is one which is negotiated between Israel and Arabs.

Debaters

Moderator: Marilyn Berger

Pro Advocate: Fouad Ajami
Professor of Politics, Princeton University. A Lebanese citizen.

Pro Witness: George W. Ball
Attorney, formerly U.S. Ambassador to the United Nations, and U.S. Under Secretary of State.

Pro Witness: Naseer H. Aruri
Professor of Political Science, Southeastern Massachusetts University.

Con Advocate: Morris Abram
Honorary President of the American Jewish Committee and formerly U.S. Representative to the U.N. Commission on Human Rights.

Con Witness: Robert W. Tucker
Professor of International Politics, Johns Hopkins University.

Con Witness: Ben Nitay
Economic consultant. Native born Israeli citizen and war hero.

The Debate

Pro Witness, Aruri

Questioning by Ajami

Aruri describes the unity of the Palestinian community in its struggle to resist fragmentation of its society and regain a state of its own.

Cross Examination by Abram

Advocate Abram asks whether the PLO speaks for all Palestinians in pledging the elimination of Zionism in Israel. Aruri answers that the PLO has revised its program to show support for a pluralistic society in Palestine.

Pro Witness, Ball

Questioning by Ajami

Ball testifies that the lack of U.S. policy in the Middle East will perpetuate the stalemate and force Arabs to find a military solution. He responds that terrorism is a reaction to the occupation and insists that holding occupied territory will never give Israel the security it seeks.

Cross Examination by Abram

Advocate Abram quizzes Ball on his reluctance to support self-determination for Palestinians now. Ball urges a commitment to self-determination to come after a period of neutral administration during which Palestinians and Israelis can set up mutual security systems and political institutions. He allows that the U.S. might have to supervise the transition.

Con Witness, Nitay

Questioning by Abram

Nitay asserts that the core of the problem is Arab refusal to accept the state of Israel. He says that the Arabs could have established a Palestinian state during the twenty years they held the West Bank/Gaza. He adds that Palestinians call themselves part of the "Arab nation" of which Jordan is already a Palestinian state.

Cross Examination by Ajami

Advocate Ajami accuses the state of Israel of denying for Palestinians the same rights to self-determination which Israel has taken for itself. Ajami wonders what will happen when Arabs are a majority in Israel. Nitay denies that Israelis do more than resist the threat of a hostile second Palestinian state on its border.

Con Witness, Tucker

Questioning by Abram

Tucker outlines the objectives of U.S. Mid-East policy — a continued flow of oil, and the preservation of the state of Israel. He says a PLO-run Palestinian state would jeopardize any peace in the area, but the U.S. should support a Palestinian state in the indefinite future as part of a real settlement.

Cross Examination by Ajami

Advocate Ajami asserts that as a neighbor of Israel, a Palestinian state would take a moderate position. Tucker disagrees, saying the Palestinians would have a power base and could trigger inter-Arab rivalries and other international conflict, destroying a real peace.

Activities

1. Find cartoons of Zionists, Palestinians, Israelis, and Arabs. Discuss the reasons for the portrayal, the limitations of each caricature, and the effect of the perception on historical interpretation. Have the stereotypes changed over time?

2. Discuss the differences between the terms guerilla, freedom fighter, and terrorist. Compare Arab guerillas with the American Minutemen, the Zionist Irgun, and the Irish Republican Army. Is violence ever justified to effect political change?

Israel In 1979

Israeli territory

Territories to be held by Israel until March 1982 by agreement with Egypt

Israeli occupied territory

3. Divide into groups to draw maps of the Mid-East at specific periods in history — 1900, pre-1948, 1967. How might Palestinians or Israelis envision the map after an Arab/Israeli peace agreement?

4. Research the War of Independence, the Six-day War, and the Yom Kippur War. What caused each flare up, how was a cease-fire achieved, and what was gained or lost on all sides?

5. Role-play participants in the conflict: Palestinian Arabs, native Israelis, Jewish European immigrants, Arab citizens of Israel, and heads of neighboring states. Research the position of each and hold a peace table discussion to negotiate an equitable settlement. Within each group, identify moderate and extreme viewpoints. Bring in U.S. mediators if necessary to effect a compromise.

6. Discuss U.S. foreign policy in the Mid-East. Are our moral concerns compatible with our pragmatic objectives? Are arms sales to both parties in the interests of bilateral security an appropriate action?

7. Research the changing economics of peace in the Mid-East. Can any of the parties afford more war? Who has economic leverage in forcing a compromise? Who are the recipients of U.S. foreign aid in the region and what are the proportions to each?

Terms in the Debate

demilitarized zones
demographic
intractable
sanctions
referendum
Jordan's King Hussein
Farouk Qadoumi
vindicate
ghetto
Kurds/Iraqs
manifest destiny
radicalization
legitimate aspirations
Moslem
Palestinian National Covenant
nationalism

Should Congress substantially increase federal funding for public broadcasting?

Background

Emerging almost simultaneously with its commercial counterpart, public broadcasting began as non-commercial, or "instructional" broadcasting, supported chiefly by the Ford Foundation. In response to the recommendations of the first Carnegie Commission, which called for a "well financed and well directed educational television system to serve the needs of the American public," Congress passed the Public Broadcasting Act in 1967. It established the Corporation for Public Broadcasting (CPB) as an independent, non-profit organization to distribute yearly appropriations to member stations and independent producers. CPB created the Public Broadcasting Service (PBS) in 1970 to manage the national scheduling and distribution of locally produced television programs. A year later, CPB created National Public Radio (NPR) to originate programs and provide a national network for local radio stations' production. Today, PBS links 280 television stations and NPR, 188 radio stations. Public and educational radio and television stations comprise more than 30% of all broadcasters in the industry.

In 1979, a second Carnegie Commission reviewed public broadcasting and released a report on its future. The report concludes that, in addition to much greater levels of funding, the system should be more effectively insulated against the political process than it is now. The Commission recommended a new organization, the Public Telecommunications Trust (PTT) to replace CPB. PTT would have a semi-autonomous division, the Program Services Endowment (PSE) which would support innovative programming.

Broadcasting Income

Public stations finance their broadcast operations from federal, state, and local appropriations, foundation grants, and corporate and individual donations. Under the Carnegie recommendations, total income for public broadcasting would grow to $1.1 billion annually, compared to about $540 million in 1978. To generate this sum, the federal government would match money raised by each station, giving two dollars for every three. To partially offset the need for tax monies, the Commission recommends a fee on licensed commercial use of the broadcast spectrum. The fee constitutes a charge for the profitable use of a public resource, like that paid by users of public grazing lands. Commercial broadcasters are protesting the imposition of such fees which they say would subsidize their competition. Representative Lionel Van Deerlin (D-California), Chairman of the House Communications Subcommittee, has twice proposed the spectrum fee unsuccessfully in his bills revising the Federal Communications Act of 1934

Media Control

A unique feature of television in the U.S. is the dominance of commercial networks in the broadcasting system. In most countries with broadcast technology, the networks are government-run and non-commercial. Controlling the media puts a government in the position to strongly influence or censor information. The freedom of speech guarantee in the U.S. Constitution restricts interference with programming decisions by the Federal Communications Commission (FCC), the agency responsible for regulating and overseeing the industry. However, pressure on program content decisions can come from revenue sources. Commercial networks seek advertising profits and develop programs which appeal to the mass audiences which the sponsors want to reach with their messages. Public broadcasters solicit underwriting and the funders select proposals which they think are worthwhile or with which they want to associate their name. Sponsors may not be available for programs appealing to certain small audiences, or funders for programs which express unpopular points of view.

Briefing the Class

Teachers can help students understand the funding dilemma of public broadcasters by making some comparisons between their costs and those of commercial networks. *The Advocates* generally costs $41,000 for each hour of debate. *NOVA*, the one-hour science documentary series, costs approximately $180,000 per production. *Spider's Web*, the NPR storytelling series usually costs $401 for each half-hour segment, and *All Things Considered*, national radio's nightly news magazine, costs $225 on average for every sixty minutes.

Compare these costs with those of some commercial television productions: *60 Minutes*, $270,000; *The Wonderful World of Disney*, $800,000; *NFL Monday Night Football*, $700,000; and *Wonder Woman*, $385,000.

Currently, the federal government matches, one dollar for two, the sum of the monies raised by all public broadcasting stations and distributes grants using a complex formula that gives to some stations much less than they "earn," while providing much more to others. Under the new proposals, stations would receive grants in direct proportion to their own fund-raising efforts.

Pro Arguments

1. The federal government should increase its funding of public broadcasting.

Public stations need federal support to develop quality cultural programming.

Public stations are committed to serving the elderly, ethnic minority, and young audiences not adequately served by commercial broadcasters.

2. Congress can effectively insulate public broadcasting from government interference.

With adequate levels of long-range funding, public broadcasting will not be susceptible to political influence.

Federal funds only match a portion of monies raised by other sources and represent a third of public broadcasting income.

3. A license fee on the use of the airwaves is a fair way to fund public broadcasting.

The airwaves spectrum is a public resource for which commercial users should pay.

The fee could provide an appropriate source of revenues and lessen the reliance on general taxes.

Con Arguments

1. The federal government should not give more public funds to public television.

The programs only appeal to small and affluent audiences.

Commercial broadcasters also produce quality local programs, responsive to their community's needs.

2. Government funding means political control and censorship.

Government control of the media is contrary to the First Amendment. (The government does not finance newspapers.)

With insulation, the media loses its accountability for the use of public funds.

3. A license fee on commercial use of the spectrum would be unfair.

The airwaves spectrum is not like offshore oil fields or grazing lands which are depletable resources or require government maintenance.

Commercial broadcasters already pay enormous taxes on their profits which the government can use to fund public broadcasting.

Debaters

Moderator: Michael Dukakis.

Pro Advocate: Roger Fisher
Law Professor, Harvard Law School.
Pro Witness: William Henry, III
Television critic, *The Boston Globe.*

Pro Witness: Eli N. Evans
President, Charles H. Revson Foundation. Served with both Carnegie Commissions on public broadcasting.
Con Advocate: William Rusher
Publisher, *National Review.*

Con Witness: William Poorvu
Vice President, Boston Broadcasters, a commercial television licensee.
Con Witness: M. Stanton Evans
Syndicated columnist, *Los Angeles Times,* and commentator for CBS radio.

The Debate

Pro Witness, Henry

Questioning by Fisher

Henry argues that everybody uses public television. He tells Advocate Fisher that public broadcasting needs more public funds for the diverse programming and cultural offerings which commercial television, motivated by advertising profit, fails to provide.

Cross Examination by Rusher

Advocate Rusher argues that, not counting "Sesame Street", the PBS audience is small and reaches primarily affluent audiences. Henry concedes that children's programs do bring public TV into minority and low income households. He argues that, in return for public funds, PBS makes a commitment to unserved audiences.

Con Witness, Poorvu

Questioning by Rusher

Poorvu asserts that past PBS successes have been low budget efforts and a quadrupling of public broadcasting funds would change its programming. He claims more blockbusters for national consumption would reduce service to local audiences.

Cross Examination by Fisher

Advocate Fisher suggests that commercial broadcasters should pay a fee for the use of the public airways, from which they gain huge profits, to be used to develop public broadcasting. Poorvu counters that commercial broadcasters already pay substantial taxes on those profits and a new fee might cause cut-backs in community services.

Con Witness, M.S. Evans

Questioning by Rusher

Evans poses the philosophical and practical problems of government funding of broadcasting — either broadcasters are insulated, using tax money without accountability, or the government exerts control over programming. He urges less government regulation and more diverse delivery systems, including cable.

Cross Examination by Fisher

Advocate Fisher draws an analogy between PBS and public libraries to suggest public tax monies should be spent on programs expressing all viewpoints. Evans argues for a balance and maintains that government funding makes public broadcasting susceptible to the politicizing of journalistic and artistic decisions.

Pro Witness, E. Evans

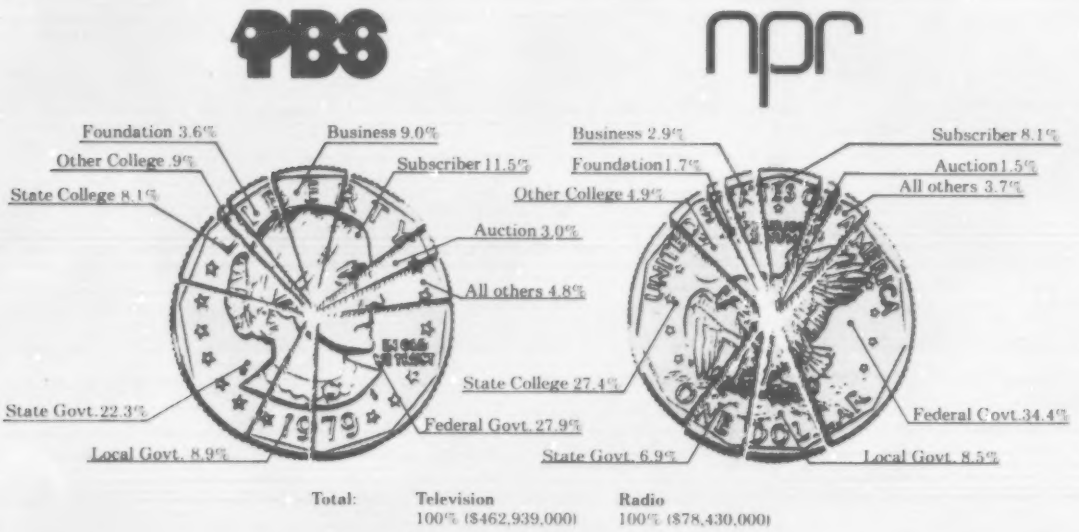
Questioning by Fisher

Fisher again raises the issue of government manipulation of the media through its appropriations. E. Evans says the struggle for artistic or academic freedom in the face of public funding is universal, but institutional structure can insulate broadcasting against political interference.

Cross Examination by Rusher

Advocate Rusher asks who controls public television to find out if it is really "public." E. Evans explains that local communities determine the programming they want. In any event, he says, only a third of the monies for public broadcasting come from federal sources, the rest from individuals, corporations, and states.

Public Broadcasting Income by source, 1978



Total:	Television	Radio
	100% ($462,939,000)	100% ($78,430,000)

Activities

1. Divide the class into two groups. Have each role-play one of the following situations.

A local sponsor of the annual school play drops in on rehearsal and discovers the plot includes a scene critical of the town's police force.

The political party in power learns that a public broadcasting station is planning a documentary critical of the administration.

As a class, discuss the role and influence of the funder on the recipient's activities. What contractual arrangement can the class suggest to avoid conflicts?

2. Research and compare the differences in the organizational structure, financing, and programming philosophy of the major commercial networks, the decentralized public broadcasting system, and Britain's government-run BBC (or the CBC, Canadian Broadcasting System). List the advantages and disadvantages of each. Could a system like the BBC work in America?

3. Discuss what the class thinks should be the role of public broadcasting in the industry: an agent for innovative change? a supplement to the educational system? Should public broadcasters concentrate on local needs or program for large national audiences? What responsibility do commercial broadcasters have to operate "in the public interest"?

4. Compare the costs to consumers of all broadcasting. Find out how much advertisers pay for television time in your area. Are students willing to pay higher prices for consumer goods to pay for the programs commercial stations offer, whether or not they watch the program? Is general taxation a fair way to support public broadcasting? Research the expense and local availability of other media delivery systems which would allow students to pay for what they watch — cassette recorders, cable receivers, video discs. Are those systems a realistic alternative for the average viewer?

5. Have students examine their own family's viewing habits and compile the information for class discussion. What does the informal survey indicate about public broadcasting viewership in your area? Does PBS reach most homes? Does commercial broadcasting satisfy all viewing preferences?

Terms in the Debate

ideologue
accountability
osmotic
ascertainment
aggrandize
elitist
satellite interconnect
viewership
blue-collar
village green
programming
regressive transaction

Bibliography

This bibliography has been developed to help teachers select supplementary reading materials to assist students' advance preparation and for follow-up activities on specific issues after using the debates. All references are selected for their broad appeal to students and for their general accessibility. You will want to add recent magazine articles and newspaper reports to update this resource information.

You may prefer to contact your school or local public librarian to discuss the programs you will be using and the approach you plan to take. With advance planning, librarians can help make all resources available when your students need them.

Truants, Runaways

Romig, Dennis
Justice for Our Children
Lexington Books/Heath. 1978. 205 pp.
Reviews studies on rehabilitation and proposes recomendations for program improvements.

Rosenheim, Margaret K., ed.
Pursuing Justice for the Child
Univ. of Chicago. 1976. 361 pp.
Collection of articles evaluating the present juvenile court system and proposing standards and goals for the future.

Ryerson, Ellen
The Best-Laid Plans: America's Juvenile Court Experiment
Hill & Wang/Farrar. 1978. 150 pp.
Account of history, philosophy, and current development in the juvenile justice system.

Silberman, Charles
Criminal Violence, Criminal Justice
Random House. 1978. 540 pp.
Study of the administration of criminal justice in the U.S.

Sorrentino, Joseph
The Concrete Grade
Wollstoncraft Inc. 1975. 310 pp.
Calls for reformation of the juvenile court system.

Wilkerson, Albert, ed.
The Rights of Children
Temple Univ. Press. 1973. 313 pp.
Examines the legal rights of minors in the contemporary American family and society.

Wooden, Kenneth
Weeping in the Playtime of Others: America's Incarcerated Children.
McGraw-Hill. 1976. 264 pp.
Study of juvenile detention homes and juvenile justice in the U.S.

CIA Covert Action

Agee, Philip
Inside the Company: CIA Diary
Stonehill. 1975. 629 pp.
Describes CIA secret foreign operations.

Borosage, Robert and John Marks, eds.
The CIA File
Grossman. 1976. 236 pp.
Reports by Marchetti, Halperin, Colby and others on the purpose, tactics and implications of CIA clandestine activities.

Corson, William
The Armies of Ignorance
Dial/James Wade. 1977. 640 pp.
Chronicles the rise of the U.S. intelligence establishment.

DeSilva, Peer
Sub Rosa: The CIA and the Uses of Intelligence
Times Books. 1978. 320 pp.
Personal memoir defending CIA activities.

Frazier, Howard, ed.
Uncloaking the CIA
The Free Press. 1978. 288 pp.
Articles calling for elimination of CIA covert operations.

Kirkpatrick, Lyman
The U.S. Intelligence Community
Hill and Wang. 1973. 212 pp.
Former CIA official discusses foreign policy and domestic activities.

Stockwell, John
In Search of Enemies: A CIA Story
Norton. 1978. 285 pp.
Account of the CIA's involvement in Angola.

Journalists' Sources

Bartlett, Jonathan, ed.
The First Amendment in a Free Society
H.W. Wilson. 1979. 199 pp.
Recent First Amendment issues including freedom of the press and the Myron Farber case.

Gans, Herbert
Deciding What's News
Pantheon. 1979. 380 pp.
Study of "CBS Evening News," "NBC Nightly News," *Newsweek*, and *Time*.

Hohenberg, John
A Crisis for the American Press
Columbia University Press. 1978. 304 pp.
Discussion of recent events threatening First Amendment freedoms.

Shudson, Michael
Discovering the News
Basic Books. 1978. 320 pp.
Social history of American newspapers.

Swain, Bruce M.
Reporters' Ethics
Iowa State University Press. 1978. 153 pp.
Discusses the decisions involved in gathering information and writing an article.

Van Gerpen, Maurice
Privileged Communication and the Press
Greenwood. 1979.
The citizen's right to know versus the law's right to confidential news source evidence.

Competency Testing

Cahn, Steven M.
Education and the Democratic Ideal
Nelson-Hall. 1979. 112 pp.
Discusses the purpose of a liberal education, instruction, grades, and examinations.

Copperman, Paul
The Literacy Hoax
Morrow. 1978. 323 pp.
The decline of reading, writing, and learning in the public schools.

Diagon, Arthur and Richard Dempsey
School: Pass at Your Own Risk
Prentice-Hall. 1974. 278 pp.
Writings on testing, grading, intelligence, and the rights and responsibilities of teachers and students.

Feinberg, Walter
Reason and Rhetoric
John Wiley & Sons. 1975. 287 pp.
Reviews the intellectual foundations of the 20th century liberal educational policy.

Holt, John
How Children Learn
Pitman. 1967. 189 pp.
Examples of effective learning situations for children.

Lightfoot, Sara Lawrence
Worlds Apart: Relationships Between Families and Schools
Basic Books. 1978. 231 pp.
Studies the perceptions, values, and attitudes of teachers and parents.

Peshkin, Alan
Growing Up American: Schooling and the Survival of Community
Univ. of Chicago Press. 1978. 256 pp.
Offers insight into how the community influences education.

Move to Break OPEC

Duncan, Andrew
Money Rush
Doubleday. 1979.
Discusses the effects of new wealth on the Middle East.

Engler, Robert
The Brotherhood of Oil: Energy Policy and the Public Interest
Univ. of Chicago. 1977. 337 pp.
Analyzes the politics of U.S. oil industry and stresses the need for increased public participation.

Sampson, Anthony
Seven Sisters: The Great Oil Companies and the World They Made
Viking. 1975. 334 pp.
History of the American oil industry.

Udovitch, A.L., ed.
The Middle East: Oil, Conflict & Hope (Critical Choices for Americans; vol. 10)
Lexington Books/Heath. 1976. 557 pp.
Comprehensive report on problems and prospects of Middle Eastern countries and U.S. policy options.

Walton, Richard
The Power of Oil: Economic, Social, Political
Seabury. 1977. 178 pp.
Discusses the development of the oil industry and the current international situation.

Willrich, Mason
Energy and World Politics
The Free Press. 1975.
234 pp.
Political, economic, and environmental aspects of the energy problem.

Wilson, Carroll
Energy: Global Prospects 1985-2000
McGraw-Hill. 1977. 291 pp.
Report on alternative energy strategies.

Nuclear power

Berger, John, J.
Nuclear Power: The Unviable Option
Ramparts. 1976. 387 pp.
Presents the technical, economic, medical, and safety issues surrounding nuclear power plants.

Bupp, Irvin and Jean-Claude Derian.
Light Water: How the Nuclear Dream Dissolved
Basic Books. 1978. 241 pp.
Balanced account of the introduction of light water technology into the commercial power industry.

Croall, Stephen
The Anti-Nuclear Handbook
Pantheon. 1979. 133 pp.
Introduction to the technical aspects of nuclear power.

Halacy, D. S., Jr.
Earth, Water, Wind, and Sun
Harper & Row. 1977.
186 pp.
Offers a useful introduction to energy alternatives.

Murphy, Arthur, ed.
The Nuclear Power Controversy
Prentice-Hall. 1976. 184 pp.
Key aspects of nuclear energy.

Nader, Ralph and John Abbotts
The Menace of Atomic Energy
Norton. 1977. 414 pp.
Strong protest against commercial development of nuclear energy.

Nero, Anthony
A Guidebook to Nuclear Reactors
Univ. of California Press.
1979. 280 pp.
General description of reactors, fuel supplies, and safety hazards.

Legalize Marijuana

Bonnie, Richard
The Marihuana Conviction
Univ. Press of Virginia.
1975. 368 pp.
History of marijuana prohibition in the U.S.

Cohen, Sidney
The Drug Dilemma
McGraw-Hill. 1976. 103 pp.
Discusses the physiological and psychological factors of drug abuse.

Goldman, Albert
Grass Roots: Marijuana in America Today
Harper & Row. 1979.
288 pp.
Discusses issues of law enforcement, criminal actions, social effects, and medical research.

Grinspoon, Lester
Marihuana Reconsidered, 2nd ed.
Harvard Press. 1977.
474 pp.
Comprehensive study of the history, literature, chemistry, physiology, and social and legal aspects of marijuana.

Nahas, Gabriel
Keep off the Grass
Reader's Digest Press. 1976.
205 pp.
Account of the destructive side effects of marijuana.

Sloman, Larry and Jim Cuisimano
Reefer Madness: The History of Marijuana in America
Bobbs-Merrill. 1979. 240 pp.
Study of the history, culture, politics, and use of marijuana.

Seabed Mining

Flemming, A.C., ed.
The Undersea
MacMillan. 1977. 319 pp.
Multidisciplinary view of the ocean, including marine law and politics.

Foster, John T.
The Sea Miners
Hastings House. 1977.
158 pp.
Political, technological, and environmental issues involved in recovering mineral resources.

Luard, Evan
The Control of the Sea-Bed
Taplinger, 1974. 309 pp.
International issues in marine economics and ecology.

Menard, H. William and Jane Scheiber, eds.
Oceans: Our Continuing Frontier
Publishers Inc. 1976.
333 pp.
Collection of readings about ocean resources, commerce, law, literature, and art.

Scott, Frances and Walter Scott
Exploring Ocean Frontiers: A Background Book on Who Owns the Seas
Parents' Magazine Press.
1970. 220 pp.
Analyzes the political, ecological, and technological issues.

Kid's TV

Barnouw, Erik
The Sponsor
Oxford University Press.
1978. 220 pp.
Traces the development of television commercials and examines the current impact on programming and culture.

Comstock, George, et.al.
Television and Human Behavior
Columbia Univ. Press. 1978.
576 pp.
Summary of research on news, violence, advertising, audience analysis, and viewing patterns.

Mander, Jerry
Four Arguments for the Elimination of Television
Morrow. 1978. 371 pp.
Examines the social and psychological effects of television.

Mankiewicz, Frank and Joel Swerdlow
Remote Control: Television and the Manipulation of American Life
Quadrangle/New York Times. 1978. 308 pp.
Overview of issues, popular beliefs, and research on the impact of television.

Pei, Mario
Weasel Words: The Art of Saying What You Don't Mean
Harper & Row. 1978.
208 pp.
Survey of ambiguous and misleading words popularized through the media and commercial advertising.

Simmons, Steven J.
The Fairness Doctrine and the Media
Univ. of California Press.
1978. 285 pp.
Analyzes FCC policies and proposes less regulation of broadcast advertising.

Winn, Marie
The Plug-In Drug
Viking Press. 1977. 231 pp.
The effects of television on children and the family.

Trucking Deregulation

Brill, Steven
The Teamsters
Simon & Schuster. 1978.
414 pp.
Story of Jimmy Hoffa and powerful union leaders.

Fause, S.R.
Loaded and Rollin': Trucks and Their Drivers
Oliver Press. 1976. 207 pp.
Presents the history of trucking and unions, government regulation, descriptions of trucks, and life on the road.

Fellmeth, Robert
The Interstate Commerce Omission
Grossman. 1970. 423 pp.
The Ralph Nader report on the ICC and transportation.

Hoogenboom, Ari and Olive
A History of the ICC
W.W. Norton. 1976. 207 pp.
Analysis of the ICC's failures.

Krueger, Robert
Gypsy on 18 Wheels: A Truckers Tale
Praeger. 1975. 160 pp.
Pictorial essay depicting the culture of truckers.

Bibliography

South Africa

Austin, Dennis
Politics in Africa
University Press of New England. 1978. 202 pp.
Study of leadership and power since the end of the colonial era.

Biko, Steven Bantu (edited by Millard Arnold)
Steve Biko: Black Consciousness in South Africa
Random. 1978. 300 pp.
Record of Biko's testimony provides insight into South African political and judicial systems.

Hopkinson, Tom, et.al.
South Africa
Time-Life. 1969. 160 pp.
Introductory guide to geography, history, development, and current policies.

Litvak, Lawrence, et.al.
South Africa: Foreign Investment and Apartheid
Institute for Policy Studies. 1979. 100 pp.
Discusses the support of Apartheid through economic involvement, including U.S. investments.

Loescher, Gil and Ann Loescher
Human Rights: A Global Crisis
Dutton. 1979. 130 pp.
Examples of repression in South Africa, South Korea, Brazil, and the Soviet Union.

Rhoodie, Nic, ed.
South African Dialogue
Westminster Press. 1972. 611 pp.
Contrasts in South African thinking on basic race issues.

van der Merwe, Hendrik, et.al.
African Perspectives on South Africa
Hoover Institution. 1978. 612 pp.
Speeches, articles, and documents providing views of South African leaders.

Balanced Budget

Friedman, Milton
Dollars and Deficits
Prentice-Hall. 1968. 279 pp.
Collection of essays for the advanced reader on the free market system.

Galbraith, John Kenneth
The Great Crash, 1929
Houghton Mifflin. 1972. 212 pp.
Story of the speculative boom and stock market crash of 1929 and the economic aftermath.

Keynes, John Maynard
General Theory of Employment, Interest, and Money
Harcourt, Brace. 1935. 403 pp.
Revolutionary work expounding Keynes' influential economic doctrine.

Moggridge, D.E.
John Maynard Keynes
Penguin. 1976. 190 pp.
Offers insight into Keynes' life and economic theories.

Pechman, Joseph A., ed.
Setting National Priorities: The 1980 Budget
The Brookings Institution. 1979. 229 pp.
Examination of the federal budget and alternative economic policies.

Samuelson, Paul
Economics
McGraw-Hill. 1976 (10th ed.) 917 pp.
Basic introductory text on economics.

Wheeler, Michael
Lies, Damn Lies, and Statistics
Liveright. 1976. 300 pp.
Manipulation of public opinion through the use of polls.

National Service

Baskir, Lawrence and William Strauss
Chance and Circumstance
Knopf. 1978. 312 pp.
Studies the effects of the draft on the Vietnam generation.

Crook, William and Ross Thomas
Warrior for the Poor
Morrow. 1969. 192 pp.
Report on the work of VISTA Volunteers.

Lowther, Kevin and C. Payne Lucas
Keeping Kennedy's Promise
Westview Press. 1978. 153 pp.
Discussion of the downfalls and potential of the Peace Corps.

Marmion, Harry
The Case Against a Volunteer Army
Quadrangle Books. 1971. 107 pp.
Explores the problems and implications of a volunteer army.

Mitchell, Joyce
Stopout! Working Ways to Learn
Garrett Park Press. 1978. 214 pp.
Directory of internships and volunteer programs for students.

National Commission on Resources for Youth
New Roles for Youth
Citation Press. 1974. 245 pp.
Examples of successful volunteer programs for young people.

Death Sentences

Barkas, J.L.
Victims
Scribner's. 1978. 250 pp.
Studies the reactions of major crime victims and their families.

Berns, Walter
For Capital Punishment: Crime and Morality of the Death Penalty
Basic Books. 1979. 213 pp.
Arguments in favor of capital punishment.

Black, Charles L., Jr.
Capital Punishment
W.W. Norton. 1974. 96 pp.
Focuses on the possibility of mistake and arbitrariness in death penalty cases.

Cohen, Bernard Lande
Law Without Order
Arlington House. 1970. 224 pp.
Reviews historical, moral, and legal arguments for capital punishment.

Meltsner, Michael
Cruel and Unusual
Random House, 1973. 338 pp.
Account of the legal battles against the Supreme Court and capital punishment.

von Hirsch, Andrew
Doing Justice
Hill and Wang. 1976. 179 pp.
Report on reforming the sentencing system.

Puerto Rico

Hauberg, Clifford
Puerto Rico and the Puerto Ricans
Twayne. 1974. 211 pp.
Study of Puerto Rican history and immigration to the U.S.

Steiner, Stan
The Islands: The Worlds of the Puerto Ricans
Harper & Row. 1974. 535 pp.
Aspects of history, politics, economy, and culture in Puerto Rico and the U.S.

Wagenheim, Kal, ed.
Cuentos: An Anthology of Short Stories from Puerto Rico
Schocken. 1978. 160 pp.
Depicts life in Puerto Rico and the U.S., and the culture shock of migration.

Wagenheim, Kal
Puerto Rico: A Profile
Praeger. 1970. 286 pp.
Introductory overview of the history, culture, geography, economics, and politics.

Wells, Henry
Harvard Press. 1969. 440 pp.
A political study of changing values and institutions.

Federal Medical Care

Fine, Max
"The Case for National Health Insurance,"
Current History, vol. 73, no. 428. July/August 1977.
Issue devoted to National Health Insurance.

Ginzberg, Eli
The Limits of Health Reform
Basic Books. 1977. 227 pp.
Examines the process of health reform in the U.S. and the limits of government programs.

Knowles, John H., ed.
Doing Better and Feeling Worse
Norton. 1977. 287 pp.
Overview of contemporary medical, social, political, and economic issues in U.S. health care delivery.

Mechanic, David, et.al
The Growth of Bureaucratic Medicine
Wiley. 1976. 345 pp.
Discusses the influence of politics in health care.

Schorr, Daniel
Don't Get Sick in America
Aurora Publishers Inc. 1970. 224 pp.
Controversial report on the need for comprehensive reform in the health care industry.

Sidel, Victor and Ruth
A Healthy State
Pantheon. 1978. 347 pp.
Presents an international view of the health care crisis.

Preferential Treatment

Dreyfuss, Joel and Charles Lawrence III
The *Bakke* Case: The Politics of Inequality
Harcout, Brace, Jovanavich. 1979.
Defense of preferential treatment in education.

Friedman, Leon, ed.
The Civil Rights Reader
Walker. 1967. 348 pp.
Basic documents of the Civil Rights movement.

Glazer, Nathan
Affirmative Discrimination: Ethnic Inequality and Public Policy
Basic Books. 1975. 248 pp.
Moral and political problems of affirmative action in employment, education, and housing.

Gross, Barry, ed.
Reverse Discrimination
Prometheus Books. 1977. 401 pp.
Writings with opposing points of view on preferential treatment.

Sindler, Allan P.
Bakke, DeFunis, and Minority Admissions
Longman, Inc. 1978. 358 pp.
Public policy and legal issues surrounding preferential minority admissions.

Weinberg, Meyer
A Chance to Learn
Cambridge University Press. 1977. 471 pp.
History of racial minorities and education in the U.S.

Wilkinson, J. Harvie
From *Brown* to *Bakke*
Oxford University Press. 1979. 400 pp.
Balanced account of the Supreme Court and school integration from 1954 to 1978.

Veterans' Preference

California Commission on the Status of Women
Impact ERA: Limitations and Possibilities
Les Femmes Publishing. 1976. 287 pp.
Articles on the political, economic, social, and psychological impact of the ERA.

Giele, Janet Zollinger
Women and the Future
Free Press. 1978. 386 pp.
Analyzes the changes in the status of women in work, family, government, and culture.

Harvey, Donald
The Civil Service Commission
Praeger. 1970. 233 pp.
Presents the history and current organization and functions of the Commission.

Kreps, Juanita M., ed.
Women and the American Economy: A Look to the 1980's
Prentice-Hall. 1976. 177 pp.
Briefly reviews history of U.S. women and work, current issues of equal opportunity, and future economic and social prospects.

Starr, Paul
The Discarded Army: Veterans After Vietnam
Charterhouse. 1973. 304 pp.
The Nader report on Vietnam veterans and the Veteran's Administration.

Vaughn, Robert G.
The Spoiled System
Charterhouse. 1975. 360 pp.
Proposals for Civil Service reform.

Palestinian Self-determination

Aronson, Shlomo
Conflict and Bargaining in the Middle East
Johns Hopkins. 1979. 471 pp.
Israeli perspective on Arab-Israeli relations from 1948 to 1977.

Encyclopedia Britannica Editors
The Arabs: People and Power
Britannica Books/Bantam. 1978. 268 pp.
Surveys Arab history, social life, economics, and politics.

Gervasi, Frank
The Life and Times of Menachem Begin: Rebel to Statesman
Putnam. 1979. 372 pp.
Favorable biography for the general reader.

Herzog, Chaim
Who Stands Accused? Israel Answers Its Critics
Random. 1978. 264 pp.
Analysis of Israel's relations with Arab nations and PLO.

Mishal, Shaul.
West Bank/East Bank
Yale Univ. Press. 1978. 129 pp.
Discusses the political circumstances of the Palestinian Arabs in Jordan from 1949 to 1967.

Pearson, Robert
Through Middle Eastern Eyes
Praeger. 1975. 254 pp.
Middle Eastern view of family, education, religion, history, and politics.

Sinai, Anne and I. Robert Sinai
Israel and the Arabs: Prelude to the Jewish State
Facts on File, Inc. 1972. 248 pp.
Objective account of Jewish, Arab, and British actions at the end of World War II.

Public Broadcasting Funds

Barnouw, Erik
Tube of Plenty: The Evolution of American Television
Oxford Univ. Press. 1975. 518 pp.
History of television stressing its impact on American's society.

Blakely, Robert
To Serve the Public Interest: Educational Broadcasting in the United States
Syracuse Univ. Press. 1979. 274 pp.
History of public broadcasting.

Carnegie Commission on the Future of Public Broadcasting
A Public Trust
Bantam. 1979. 401 pp.
Offers recommendations for reorganization of the public broadcasting system.

Cole, Barry and Mal Oettinger
Reluctant Regulators
Addison-Wesley. 1978. 303 pp.
Conflicts and compromises of FCC broadcasting policies.

Friendly, Fred W.
The Good Guys, The Bad Guys, and the First Amendment
Random House. 1976. 268 pp.
Free speech versus fairness in broadcasting.

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